

MEETING OF THE TEXAS WORKFORCE COMMISSION

DATE

AUGUST 13, 2024

1 Tuesday, August 13, 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: No, sir. CHAIRMAN DANIEL: Thank you very much. Good 6 7 morning. 8 MS. MILLER: Good morning, sir. 9 CHAIRMAN DANIEL: Thank you. We'll take a short recess. All right, this is Agenda Item 9, RESEA 10 11 performance distribution. 12 DAWN CRONIN: Good morning, chairman, 13 commissioners, Mr. Townsend. For the record, my name is Dawn 14 Cronin with the Workforce Development Division. For 15 consideration today we have a discussion paper to distribute the 16 FY23 RESEA reimbursement eligibility services program, the 17 performance outcome payment received from the Department of 18 Labor to our Workforce Boards. The discussion paper and 19 supporting documentation are laid out in your meeting materials 20 today. The distribution recognizes the boards' efforts and 21 contributions in providing reemployment services to UI claimants 22 most likely to exhaust their benefits before connecting with 23 employment. Under this distribution each board would receive 24 7,500 for each month they met or exceeded the DOL performance

target and 25,000 for each month that they met or exceeded the

TWC performance target. Additionally, staff is recommending a training stipend to send staff to the RESEA training day ahead of the TWC annual conference in December. That concludes my remarks and I'm happy to answer any questions you might have.

CHAIRMAN DANIEL: Comments or questions?

COMMISSIONER TREVIÑO: None here.

COMMISSIONER ESPARZA: No questions.

CHAIRMAN DANIEL: There were several boards that seemed like—nobody made all 12 months but there was more than one that made 11 months of breaking one or the other of the performance measures. I mean obviously that's reflected in the award but there were some boards that had one or two months and then others that had 11 months, and there was a wide gap between performance and that so, you know, I would suggest that we figure out what the boards that can do 11 months are doing and help the boards that are doing two months understand what the boards that were doing with 11 months. Hopefully the cash distribution helps us be able to make that point. No other questions or comments, is there a motion?

COMMISSIONER TREVIÑO: Chairman, I move that we approve the distribution of a portion of the Reemployment Services and Eligibility Assessment program performance outcome payment in the amount of \$2,700,000 to be allotted to the boards as described in the discussion paper and presented today by staff.

COMMISSIONER ESPARZA: I second.

CHAIRMAN DANIEL: It's been moved and

seconded, and the vote is unanimous. Thank you.

DAWN CRONIN: Thank you.

5 CHAIRMAN DANIEL: This is Agenda Item 10,

proposed amendments to 40 Texas Administrative Code Chapter 801,

Local Workforce Development Boards.

JOEL MULLINS: Good morning, chairman, commissioners, Mr. Townsend. For the record, I'm Joel Mullins with the Workforce Development Division. Commissioners, before you today for your consideration for approval are proposed rule amendments to Chapter 801, Local Workforce Development Boards. These proposed amendments will update Chapter 801, Subchapter A, to clarify the process to amend the count of chief elected officials based on local population shifts, elections or other relevant events. Staff recommends submitting the proposed rule for publication in the Texas Register for a 30-day public comment period. Staff also requests the ability to make minor nonsubstantive changes to the document in order to comply with the publication requirements of the Texas Register and the

Office of the Secretary of State. This concludes my presentation

and I'm available to answer any questions.

CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER TREVIÑO: None here.

COMMISSIONER ESPARZA: No questions.

CHAIRMAN DANIEL: So, I was looking at this and I was trying to understand the changes to 801.10, and one of the things I got concerned about was the language that you submitted for consideration was-it seemed to be permissive, like as if boards had discretion on including a CEO who meets the criteria but I couldn't find that discretion anywhere in the statute or our rule, and it turns out that the reason I couldn't find that is because there really isn't discretion. If you-the way the law is laid out, if you meet a certain threshold, then you're in, and I think our goal here as I understand it is that we want boards to be more proactive following elections, following changes in population. These are the two things that are of concern to us that they move quickly to alert elected officials that they may be eligible now to participate with the chief elected officials for that board area or, you know, a town that was not eligible for a certain thing might very well be eligible for a certain thing so I asked Joel, I said, is that the language you really want? And he said, no, in light of what you're telling me, I see your concerns with it seeming as if it's permissive. So I asked him if he were to rewrite it, what would it look like? This is what he gave me. I'm offering it today as an amendment just to .10. The limits for .16 remain the same as he has proposed. This I think you'll agree is the same thing that he said originally restated in a much more direct way that I firmly believe is in conformance with our statute and any

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rules that we already have on the books. Would you agree that the language that we came up secondary does the things that I just say that it does?

JOEL MULLINS: Yes, definitely.

as an amendment to 801.10. Staff prepared this for me. They've seen it. He just confirmed that he and I—at least he and I agree that this does what we think it does and it gives boards a lot more clarity in what action they're supposed to take and how they're supposed to take it. So discussion on the amendment first. Is there any objection to substituting this for the language staff provided to 801.10?

COMMISSIONER ESPARZA: No objection here.

COMMISSIONER TREVIÑO: Yeah, I don't have any objections to that.

objection then, we'll adopt this as an amendment to 801.10, and it will replace what came originally. So before the commission now is the amended language for 801.10, and then the original language for 801.16 as recommended by staff. Commissioner, normally I would defer to you for a motion but I can make one quickly since I offered an amendment and kind of got us a little bit off of our agenda. I move we approve the amended amendments to 40 Texas Administrative Code Chapter 801, Local Workforce Development Boards, for publication for public comment as

1 recommended by staff with the amendment that we just approved. 2 Is there any second for that motion? 3 JOEL MULLINS: Real quick, additionally if 4 we could also have approval for staff to make any changes that 5 are needed to the preamble to the proposed rule to align with 6 the amended rule language. 7 CHAIRMAN DANIEL: Obviously, yes. 8 JOEL MULLINS: OK, OK. 9 CHAIRMAN DANIEL: Is there a second to my 10 motion? 11 COMMISSIONER ESPARZA: I'll second it. 12 CHAIRMAN DANIEL: It's been moved and 13 seconded to amend staff's submission for 801.10, and then to 14 post that through the regular administrative channels for public 15 comment, etc., reserving the right for staff to make any 16 necessary conforming changes. Is there any objection to this 17 motion and second? Hearing no objection, the motion carries. Thank you. 18 19 JOEL MULLINS: Thank you. 20 CHAIRMAN DANIEL: This is Agenda Item 11, 21 final adoption of amendments to 40 TAC Chapter 850, Vocational 22 Rehabilitation Services Administrative Rules and Procedures. 23 JAMIE HAYWOOD: Good morning, chairman, 24 commissioners, Mr. Townsend. For the record, I am Jamie Haywood 25 with the Vocational Rehabilitation Division. Commissioners,

before you today for your consideration and approval are final rule amendments to Chapter 850, Vocational Rehabilitation Services Administrative Rules and Procedures, more specifically in Subchapter A, VR general rules. The proposed amendments clarify the VR division's comprehensive system of personnel development standards for qualified VR counselors. This is in alignment with 34 CFR 361.18 and the RSA Technical Assistance Circular 24-01. The proposed rule clarifies the education and experience requirements for VR counselors. It also clarifies that VR counselors are considered qualified to perform nondelegable duties upon meeting minimum initial standards for hire, successful completion of new counselor training, and then completing an initial probationary period that allows demonstration of performance. The proposed rule also clarifies that to be hired as a VR counselor one must have at least a bachelor's degree in a field reasonably related to VR and at least one year of relevant experience. In addition, the rule maintains the requirements that within seven years from completing the initial year of training, a VR counselor is expected to complete specific graduate education requirements, and finally the rule clarifies that the VR division helps VR counselors advance as qualified personnel by making funds available for the required graduate education under the circumstances specified in rule. These proposed rule amendments were published in the Texas Register for a 30-day comment period

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   from June 7th to July 8th. There were no comments received and
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   there have been no changes made to the proposed rules since that
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   period. Staff recommends adopting these amendments to Chapter
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   850. This concludes my presentation. Happy to answer any
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   questions.
                         CHAIRMAN DANIEL: Any comments or questions?
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                         COMMISSIONER TREVIÑO: No comments.
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                         COMMISSIONER ESPARZA: No comments.
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                         CHAIRMAN DANIEL: Is there a motion?
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                         COMMISSIONER TREVIÑO: Chairman, I move we
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   approve the adoption of amendments to 40 Texas Administrative
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   Code Chapter 850, Vocational Rehabilitation Services
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   Administrative Rules and Procedures as recommended today by
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   staff.
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                         COMMISSIONER ESPARZA: I second.
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                         CHAIRMAN DANIEL: It's been moved and
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   seconded, and the vote is unanimous. Thank you.
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                         JAMIE HAYWOOD: Thank you.
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                         CHAIRMAN DANIEL: This is Agenda Item 12,
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   fiscal year 2024 SNAP E and T allocations.
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                         CHRIS NELSON: Good morning, chairman,
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   commissioners, Mr. Townsend. For the record, Chris Nelson, chief
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   financial officer. This morning you have before you the FY25
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   SNAP employment and training allocation in the amount of
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   $14,975,296, the employment services allocation in the amount of
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\$25,695,826. In both cases there is an inclusive amount for the small board funding distribution that we've developed, \$49,045 for SNAP E and T, and \$68,305 for employment services. For the employment services, it should be noted that staff made an additional modification to the allocation in light-as we briefed your offices in light of the employment services rule change. Staff had to basically identify funding for additional staff needed at the state level to carry out employment service activities but one of the things that we noticed as we did the allocation was we wanted basically-the allocation for employment services accounts for two main things with the boards, the salaries for the ES merit staff, Texas model staff out at the board level, and then the infrastructure costs for those staff as well, the rent, utilities, resource room allocation portion of the allocation, but one of the things we noticed as we ran through the allocation was some board areas were going to start off with a smaller operating grant piece. Once we figured out the salary piece, we're going to have a smaller operating grant piece, smaller than they got in 2024. We made a modification to the allocation to hold all 28 boards harmless to their initial operating grant of 2024 so that modification was made to the allocation as well. That concludes my comments and I'd be happy to answer any questions.

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CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER TREVIÑO: No questions.

1 COMMISSIONER ESPARZA: No questions. CHAIRMAN DANIEL: Is there a motion? 2 3 COMMISSIONER TREVIÑO: Chairman, I move that 4 we approve the fiscal year 2025 Supplemental Nutrition 5 Assistance Program Employment and Training Program Employment and Training and Employment Services funding allocations as 6 7 recommended today by staff. COMMISSIONER ESPARZA: I second. 8 9 CHAIRMAN DANIEL: It's been moved and seconded, and the motion carries. This is Agenda Item 13, report 10 11 on available apprenticeships in Texas. 12 KERRY BALLAST: Good morning, chairman, 13 commissioners, Mr. Townsend. For the record, Kerry Ballast, 14 Workforce Development Division. Texas Labor Code Section 302.0191 states that the Texas Workforce Commission must report 15 16 on active apprenticeship programs in the state and make 17 recommendations to expand the availability of apprenticeship 18 programs in emerging and high-demand industries and occupations. 19 At this time staff requests the commission's approval of the 20 report as presented in your notebook materials. If approved, 21 program will work with our governmental relations staff for 22 delivery to the Texas Legislature by September 1. This concludes 23 my remarks. I'm happy to answer any questions.

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CHAIRMAN DANIEL: Comments or questions?

COMMISSIONER TREVIÑO: No questions.

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                         COMMISSIONER ESPARZA: No questions.
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                         CHAIRMAN DANIEL: Dr. Ballast.
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                         KERRY BALLAST: Yes, sir.
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                         CHAIRMAN DANIEL: In light of our upcoming
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   schedule, would you characterize your blouse today as University
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   of Texas orange, University of Tennessee orange, or Sam Houston
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   State University Bearcat orange?
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                         KERRY BALLAST: Oh, if my dad's listening,
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   this is for you, Dad. This is for the Bearcats.
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                         CHAIRMAN DANIEL: Bearcat orange. All right,
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   great answer. Is there a motion?
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                         COMMISSIONER TREVIÑO: Chairman, I move that
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   we approve the program year 2024 report on available
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   apprenticeships in Texas as recommended today by staff.
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                         COMMISSIONER ESPARZA: I second.
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                         CHAIRMAN DANIEL: The vote is unanimous and
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   the motion carries. Thank you.
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                         KERRY BALLAST: Thank you. I'm going to
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   keep-
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                         CHAIRMAN DANIEL: This is Agenda Item 14,
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   performance standards for eligible training providers.
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                         KERRY BALLAST: Thank you, chairman. Again,
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   for the record, Kerry Ballast, Workforce Development Division.
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   In November of 2018 Texas Workforce Commission's three-member
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   commission approved removal of minimum performance standards
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2 Workshop Innovation and Opportunity Act eligible training 3 providers list. While performance standards were removed, the 4 training providers have continued to submit performance data 5 annually for research and informational purposes consistent with 6 WIOA requirements and TWC rule. At this time staff recommend 7 approval of standards and other considerations as laid out in your notebook materials. This concludes my remarks. I'm happy to 8 9 answer any questions. 10 CHAIRMAN DANIEL: Any comments or questions? 11 COMMISSIONER TREVIÑO: No questions. 12 COMMISSIONER ESPARZA: No questions. 13 CHAIRMAN DANIEL: Is there a motion? 14 COMMISSIONER TREVIÑO: Chairman, I move that 15 we approve the Workforce Innovation and Opportunity Act 16 performance standards for eligible training providers as 17 described in the discussion paper and recommended today by 18 staff. 19 COMMISSIONER ESPARZA: I second. 20 CHAIRMAN DANIEL: It's been moved and 21 seconded, and the vote is unanimous. The motion carries. This is 22 Agenda Item 15, report on cross-agency coordination on 23 apprenticeship and work-based learning programs. 24 KERRY BALLAST: Thank you. For the record,

Kerry Ballast, Workforce Development Division. Rider 51 of the

from the criteria for training programs eligibility for the

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General Appropriations Act, 88th Texas Legislature, directs Texas Workforce Commission to gather information about cross-agency coordination on apprenticeship and other work-based learning funding. The rider also charges TWC to work with the Texas Education Agency and the Texas Higher Education Coordinating Board to identify available funding sources for future apprenticeship and work-based learning programs and to make recommendations on future collaborations and the award of grants supporting work-based learning. At this time staff requests the commission's approval of the report as presented in your notebook materials. If approved, program will work with our governmental relations staff for delivery to the Legislative Budget Board, Senate Finance Committee, House Appropriations Committee, and the Office of the Governor. This report will also be posted to the TWC website. This concludes my remarks. I'm happy to answer any questions. CHAIRMAN DANIEL: Any comments or questions? COMMISSIONER TREVIÑO: Dr. Ballast, I just want to say thank you to you and your team for gathering all this information and presenting it today. KERRY BALLAST: Thank you. COMMISSIONER ESPARZA: Same. No questions. KERRY BALLAST: Thank you. CHAIRMAN DANIEL: All right, is there a

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motion?

COMMISSIONER TREVIÑO: Chairman, I move that we approve the report on cross-agency coordination on apprenticeship and work-based learning programs as described in the discussion paper and recommended today by staff.

COMMISSIONER ESPARZA: I second.

CHAIRMAN DANIEL: It's been moved and seconded, and the vote is unanimous, and the motion carries.

KERRY BALLAST: Thank you.

CHAIRMAN DANIEL: Thank you. This is Agenda

Item 16, annual 2024 report on the transition from military

service to employment.

BOB GEAR: Good morning, Chairman Daniel,
Commissioner Treviño, Commissioner Esparza, and Mr. Townsend. I
am Bob Gear, director of the Texas Veterans Leadership Program
with the Workforce Division. Texas Labor Code Chapter 302.020
requires the Texas Workforce Commission to submit annual report
on the transition from military service to employment to the
governor, lieutenant governor, and the Texas Legislature by the
first of September. So before you this year's report, I'm just
going to highlight a few sections that include TWC's commitment
to serving veterans, the Texas Workforce Commission overview of
our ourselves and community partners, the Texas veteran
unemployment rates. We also want to highlight our own TWC
veterans programs such as success stories out of the Texas
Veterans Leadership Program, the Texas Veterans Network, We Hire

Vets, and Military Families Support program. We highlight TWC partners who have developed veteran programs locally. The final section lists the five most common transiting military MOSs. The lists are occupational specialties, industry-based certifications that align with the military occupational specialties and their civilian occupation counterparts, and for this year the top five are, no surprise, infantryman and rifleman so we have Army, Marine Corps. Number two is automated logistics specialist, all logistics acquisitions across all branches of the service. Number three is the wheeled vehicle mechanic, construction mechanics, generator mechanics. Number four, health care specialist, aerospace medical. I don't want to get into trouble with the Navy so hospital corpsman. Number five is computer network support specialist, computer system programming and information support technician. Staff is seeking this commission approval of this year's annual report for submission to the governor and lieutenant governor and to the Texas Legislature. This concludes my presentation and happy to answer any questions.

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CHAIRMAN DANIEL: Are there any comments or questions.

COMMISSIONER TREVIÑO: My comment is Mr. Gear, thank you again also for you and your team for all the work that you do for the veterans here in Texas.

BOB GEAR: Thank you, commissioner.

COMMISSIONER ESPARZA: Thank you. Part of the data that shows that Gulf War one air veterans had dropped since 2023 to over in the past year it says by 1.7 percent. I want to discuss a little bit, maybe find out what, you know, what the causation for that was as opposed to the Gulf War two veterans on that side. Like I said, it's great data and it's very important so thanks, Bob, for collecting that together.

BOB GEAR: Thank you, commissioner.

COMMISSIONER ESPARZA: No questions on that.

CHAIRMAN DANIEL: I would just reiterate the work we're doing for veterans is important work. You guys are doing a great job. I want to compliment you personally on your growth. You've mentioned other branches of the military today by name. You said Marine Corps and Navy.

BOB GEAR: Air Force is listed. Truck mechanic, we got it. I don't have the Space Force yet.

CHAIRMAN DANIEL: We've come a long way,
Bob. We really have. No, you guys do great work. We're very
proud of all those guys and gals that serve our country and
particularly the ones that want to stay here and be a part of
our workforce. They are an absolute critical part of our
workforce. This report bears part of that out. I still think
there's a lot of work to do what we're doing through Veterans
Leadership Program, and I think what we're doing through our
Veterans Network and a couple other initiatives that we've got I

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   actually think are making great strides at helping ease that.
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   Department of Defense is working with us well I think on the
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   bases as people transition out of the military. I don't think
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   our work is in any way here done but I think we're making great
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   progress on the things that need to be done and I think we're
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   helping a lot of service members reenter our Texas civilian
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   workforce, and I think they're going to make a great
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   contribution there. Any other comments or questions?
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                         COMMISSIONER TREVIÑO: None here.
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                         COMMISSIONER ESPARZA: None here, chairman.
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   Thank you.
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                         CHAIRMAN DANIEL: Is there a motion?
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                         COMMISSIONER TREVIÑO: Chairman, I move that
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   we approve the annual 2024 report on the transition from
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   military service to employment for submission to the governor
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   and legislature as recommended today by staff.
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                         COMMISSIONER ESPARZA: I second.
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                         CHAIRMAN DANIEL: It's been moved and
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   seconded, and the vote is unanimous, and the motion carries.
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   Thank you.
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                         BOB GEAR: Thank you.
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                         CHAIRMAN DANIEL: This is Agenda Item 17,
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   board nominations.
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                         CARA WHEELER: Good morning, chairman,
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   commissioners, Mr. Townsend. For the record, Cara Wheeler with
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   Workforce Development Division. Today for your consideration we
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   have Workforce Board nominations for Alamo, Brazos Valley,
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   Cameron, Capital Area, Concho, Golden Crescent, Lower Rio,
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   Middle Rio, North Texas, Northeast Texas, Coastal Bend, and
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   Permian Basin. Staff recommends approval on the presented
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   nominees, and I'm here for any questions you may have.
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                         CHAIRMAN DANIEL: Are there any comments or
   questions?
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                         COMMISSIONER TREVIÑO: Mrs. Wheeler, thank
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   you for being here today. I understand it's your first time
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   presenting.
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                         CARA WHEELER: Yes, sir, it is.
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                         COMMISSIONER TREVIÑO: OK. I think you did a
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   great job so appreciate it.
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                         CARA WHEELER: Thank you. I appreciate that.
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   I'm quite nervous.
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                         COMMISSIONER ESPARZA: Cara, where do you
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   park?
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                         CARA WHEELER: Where do I park?
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                         COMMISSIONER ESPARZA: Yeah, do you like
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   your parking space? How do they dole those out?
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                         COMMISSIONER TREVIÑO: That's a question I
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   was going to ask first too but I changed it.
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                         COMMISSIONER ESPARZA: We can talk later.
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                         CHAIRMAN DANIEL: Cara's being a good sport
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   but her eyes are suggesting we should move on.
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                         CARA WHEELER: My knees are rattling right
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   now.
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                         CHAIRMAN DANIEL: Are you nervous?
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                         CARA WHEELER: Yes, sir.
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                         CHAIRMAN DANIEL: You should not be nervous.
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   This is probably the easiest part of your job is dealing with
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   the three of us.
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                         CARA WHEELER: OK. That's good to know.
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                         CHAIRMAN DANIEL: This is a kinder and
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   gentler commission. I was just going to ask you, obviously you
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   talk to each of these nominees individually on the phone. I was
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   just going to ask you how your conversation went with each one
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   of them.
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                         CARA WHEELER: We're actually not allowed to
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   speak to them.
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                         CHAIRMAN DANIEL: Good answer. Is there a
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   motion?
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                         COMMISSIONER TREVIÑO: Chairman, I move that
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   we approve the local Workforce Development Board member nominees
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   presented today for the following: Workforce Solutions Alamo,
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   Brazos Valley, Cameron County, Capital Area, Concho Valley,
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   Golden Crescent, Lower Rio Grande Valley, Middle Rio Grande,
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   North Texas, Northeast Texas, Coastal Bend, and Permian Basin.
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1 COMMISSIONER ESPARZA: I second. 2 CHAIRMAN DANIEL: It's been moved and 3 seconded, and the vote is unanimous, and the motion carries. 4 Thank you very much. 5 CARA WHEELER: Thank you, sir. 6 CHAIRMAN DANIEL: All right, is there an 7 executive director-I saw somebody smiling back there that might want to give a legislative report but I don't think that's the 8 9 case. Is there an executive director's report today? Not today. 10 Mr. Serna's not here. It's a good opportunity for you to tell us 11 what's going on. He said it's a good opportunity for him not to 12 say anything too. Is there any other order of business to come 13 before the commission? 14 COMMISSIONER TREVIÑO: None here. 15 COMMISSIONER ESPARZA: No, sir. 16 CHAIRMAN DANIEL: Is there a motion to 17 adjourn? 18 COMMISSIONER TREVIÑO: Chairman, I move to 19 adjourn. 20 CHAIRMAN DANIEL: Before we-are you going to 21 second? 22 COMMISSIONER ESPARZA: I will second. 23 CHAIRMAN DANIEL: Before we-just a second. I 24 was almost remiss. I did want to introduce a new staff member 25 that's joining our team as a staff attorney. This is Alex Hicks.

If you get a chance, Alex loves to talk about both University of Michigan and Ohio State football. If you get a chance, you can talk to Alex about that in the hallway but you do so at your own peril because she's a Michigan State graduate. Go Spartans. All right. Welcome. It's been moved and seconded to adjourn, and we are adjourned. Thank you.