

MEETING OF THE TEXAS WORKFORCE COMMISSION

July 14, 2020

TUESDAY, JULY 14, 2020

CHAIRMAN DANIEL: Good morning, everyone.

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

MR. TROBMAN: Good morning. We don't have anyone registered for public comment this morning.

CHAIRMAN DANIEL: All right. Thank you very much. Good morning, Ms. Miller.

CHAIRMAN DANIEL: Thank you. This brings us to the end of Agenda Items 3 through 7. Let's pause for--briefly to reset for the rest of the meeting. All right, let's get started back here with Agenda Item 8, discussion, consideration, and possible action regarding publication and public comment of proposed rules relating to federal extended unemployment compensation rules pertaining to the Emergency Unemployment Insurance Stabilization and Access Act of 2020 and the Coronavirus Aid Relief and Economic Security Act.

JASON STALINSKY: Good morning, Chairman Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For the record, I'm Jason Stalinsky, [unintelligible] policy planning and prosecutions. Before you today is a proposal to amend the Chapter 815 Unemployment Insurance Rules to address the Emergency Unemployment Insurance Stabilization and Access Act of 2020, also known as EUISAA, and the

Coronavirus Aid Relief and Economic Security Act, otherwise known as the CARES Act.

Previously the Commission undertook
emergency rulemaking to address this legislation. The emergency
rules addressed areas including waiver of [unintelligible]
payments, program coordination, employer notification, and
extended benefits. These rules continue to be necessary to
effectuate this legislation but require the formal rulemaking
process to become permanent. The proposed rules before you aim
to make the emergency rules permanent with a few minor
modifications to make them more generally applicable and easier
to understand. This proposal also creates a new subchapter G in
Chapter 815, as well as providing for additional regulations to
cover the subject areas of appeals, overpayments, and fraud
under the CARES Act.

Today staff is seeking your direction on submitting these proposed rules to the Texas Register for a 30-day public comment period. If so directed, staff seeks approval to make any minor, non-substantive corrections to the document for purposes of publication in the Register. With that, I'm available for any questions you may have.

CHAIRMAN DANIEL: Thank you. Comments or questions?

COMMISSIONER ALVAREZ: No questions,

comments.

1 COMMISSIONER DEMERSON: None here. 2 CHAIRMAN DANIEL: Do we have any motions? 3 COMMISSIONER ALVAREZ: Chairman, I move 4 that we publish the proposed rules related to Chapter 815 to the 5 Texas Register as discussed. COMMISSIONER DEMERSON: I second. 6 7 CHAIRMAN DANIEL: It's been moved and 8 seconded. We're unanimous. Thank you. 9 JASON STALINSKY: Thank you. 10 CHAIRMAN DANIEL: Let's move to Agenda Item 11 9, TRS four-year review and Chapter 809 amendments. Discussion, 12 consideration, and possible action regarding Texas Rising Star 13 four-star--four-year review and policy concepts on amendments 14 Chapter 809, 40 TAC Chapter 809) regarding the Texas Rising Star 15 Program. 16 ALLISON WILSON: Morning. Can you hear me? 17 CHAIRMAN DANIEL: We can. 18 ALLISON WILSON: Okay, good morning, 19 Chairman, Commissioners, Mr. Serna. For the record, Allison 20 Wilson, Childcare and Early Learning Division. This policy 21 concept is the result of a year-long process to review the Texas 22 Rising Star Program and develop a set of recommendations for 23 improvement. These recommendations reflect the collaborative

work of a dedicated group of stakeholders, as well as public

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input from across the state. This policy concept includes a set of multiple issues for your consideration today.

The first issue is related to the Workforce Registry. TWC has been supporting the use of the Workforce Registry for several years now. The data in the system helps TRS accessors more efficiently validate staff qualifications. Staff seeks direction on amending minimum eligibility requirements defined in the 809.131 to require Texas Rising Star Programs and applicants to create staff accounts within the Workforce Registry.

Issue two regards adding an entry level to the Texas Rising Star Program establishing goals to achieve higher levels of quality. This issue is one that generated a lot of interest. It would create an entry level into Texas Rising Star. The workgroup discussed this as an opportunity to expand awareness of TRS, provide an onramp for providers that may not have considered TRS, and increase accountability for subsidy dollars.

There has been some discussion on what to call this new entry level, perhaps One Star or Pre-star Level, and we believe that we will get feedback on this--on the naming during the policy concept comment period. Staff seeks direction on amending Chapter 809 to create an entry level designation and defining the eligibility criteria and developing a plan that lays out strategic goals and an incremental rollout to move all

subsidy providers into TRS and including long-term goals to increase the quality ratings for all programs.

Issue three relates to the impact of certain deficiencies, childcare licensing deficiencies, on Texas Rising Star certification. These changes shifts the focus to deficiencies that most directly relate to the quality of care children receive. They allow providers an opportunity to fix issues without impacting their financial ability to continue to provide quality services and increase mentoring and technical system support for providers with deficiencies. Staff seeks direction on amending 809.132 to change the consequences of certain childcare licensing deficiencies for certified TRS programs and applicants, as described in Attachments 2 and 3, and ensuring that customers have access to information about each program's status with Texas Rising Star.

Issue number four relates to a continuous quality improvement framework. In order to promote continuous improvement within TRS, the workgroup recommended a CQIP framework to help provide targeted and structured technical assistance and customized coaching to set specific improvement goals. Staff seeks direction on amending 809.133 and revising the TRS guidelines to require all applicants and programs to participate in a CQIP, as described in the policy concept, and determining an optimal number of TRS mentors with consideration given to the more robust CQIP framework and providing the

Commission with recommendations on funding needed to support this effort.

Issue number five, new training and certification requirements for Texas Rising Star staff. TWC previously funded and developed a TRS assessor certification to ensure that these TRS staff demonstrated a level of proficiency needed to service an accessor. Along these same lines, this recommendation would establish a micro-credential framework. As we seek to focus on improving the quality of TRS providers, we want to ensure that mentors—the skills and aptitudes needed to improve the quality of mentoring. Both mentors and accessors would be supported with ongoing professional development and evidence-based peer learning communities. And this is further explained in Attachment 1 on page 12.

Standardizing training and certifying staff helps ensure that TRS certification process—that the process is reliable and credible across the state. Staff seeks direction on the following: mentor and accessor roles and responsibilities would be amended in 809.134 to define the separate roles and responsibilities, as noted in the policy concept. We would also—we're also seeking direction on amending 809.134 to establish minimum training requirements for mentors and accessors, also as described in the policy concept, and bringing back statewide initiatives for your consideration, as described in the paper to support these changes.

Issue number six, streamlining and reweighting categories for Texas Rising Star measures. The TRS workgroup needs several recommendations regarding streamlining and reweighting TRS measures, as outlined in the policy concept. Staff seeks direction on amending 809.130 to align measures with the four categories proposed by the workgroup. Weighting category 2, which is teacher-child interactions, at 40 percent and all remaining categories at 20 percent.

Issue number seven relates to revisions to various TRS measures and processes. The workgroup also made recommendations regarding the processes by which provider assessments are scheduled, as well as how assessments are conducted for providers that are also nationally credited.

Those are outlined in the policy concept, as well. Staff seeks direction on approving the revised TRS guidelines and bringing forward subsequent statewide initiative—a subsequent statewide initiative for your consideration to make the recommended automation changes, as noted in the policy concept.

Issue number eight, a statewide campaign for Texas Rising Star Outreach and Education. The workgroup recommended that TWC consider efforts to better educate families on TRS and high-quality childcare. It also recommended that TWC develop an outreach plan to emphasize family and consumer education around choosing quality programs and encouraging and-informing programs to remain or become high quality. Staff

seeks direction on developing a cost estimate for a statewide outreach campaign to educate families on Texas Rising Star and high-quality childcare.

Issue number nine is our timeline for implementation. The proposed timeline provides time for Texas Rising Star staff, as well as early learning programs, to become familiar with the revisions and implement program changes. Staff seeks direction on the proposed timeline for implementation of the revisions to TRS.

And then, lastly, we have an informational item. This is related to the proposed centralization of TRS-the Texas Rising Star assessment function. In 2018 and 2019, TWC funded the Strengthening Texas Rising Star implementation Study, which examined measure validity and rater reliability. Accessor inter-rater reliability has significant implications for the fairness and accuracy of quality ratings. Based on the study's results, the workgroup recommended that TWC consider pursuing the consolidation of the Texas Rising Star assessment function. Centralizing the assessment function will help to ensure alignment and consistency in ratings across the state. This will require a legislative change. We would like to bring this back to the Commission for consideration as part of the Commission's priorities for the 87th Texas Legislative Session.

And that concludes my remarks, and I'm happy to answer any questions you have.

CHAIRMAN DANIEL: Comments or questions?

COMMISSIONER ALVAREZ: No, sir.

COMMISSIONER DEMERSON: Chairman, I'd like to just thank Reagan and Allison for seeking the input of those stakeholders and those public input. I appreciate that big time. And then on issue number eight, I just want to make sure that as we look into statewide applications that we don't forget those rural communities. It says statewide and I know we're going to do it statewide, but I want to make sure that I emphasize the fact that the rural communities are out there, as well. But thank you for the work. This is good. Good issues.

CHAIRMAN DANIEL: Anybody have a motion?

COMMISSIONER ALVAREZ: Chairman, I move that approve the policy concept for the amendments to Chapter 809 Texas Rising Star program as discussed by staff.

COMMISSIONER DEMERSON: I second that motion.

CHAIRMAN DANIEL: Been moved and seconded. We're unanimous. Thank you. Staff does not have anything to present under Agenda Item 10, Statewide Initiatives, so we'll move to Agenda Item 11, discussion, consideration, and possible action regarding guidance on resource utilization and implementation of services and strategies to target disaster relief efforts and public health emergencies, including those

funded with the Department of Labor's Disaster Dislocated Worker Grant.

MALE: We have two items. The first presented by Reagan Miller, followed by an update by Clay Cole.

CHAIRMAN DANIEL: Thank you.

REAGAN MILLER: Good morning, Mr. Chairman, Commissioners. For the record, I'm Reagan Miller with the Childcare and Early Learning Division. This morning we're seeking your direction on the delaying the reinstatement of TWC's childcare attendance policy. In June you voted to reinstate childcare attendance requirements, which would have gone into effect next Monday, July 20. Subsequent to this action, the governor instructed and HHFC promulgated new emergency rules for childcare operations.

These new emergency rules are intended to help mitigate the spread of COVID, and one of their requirements is for childcare operations to follow the CDC guidance. This guidance directs childcare providers to limit parent-caregiver interaction by planning for curbside pick-up and drop-offs and limiting direct contact with parents. Childcare providers have noted that they would like to limit parental access within their facilities to help reduce the transmission of COVID, which complicates our efforts to track attendance using our automated-attendance swipe card system, which is located in a provider's builder.

1 Based on these evolving changes, we're seeking your guidance on delaying the reinstatement of TWC's 2 3 childcare attendance policy, as outlined in the discussion 4 paper, and continuing to monitor HHFC and CDC guidance for 5 childcare programs in order to determine when to once again 6 reinstate them. And I'm happy to answer any questions. 7 CHAIRMAN DANIEL: Thank you. Comments or questions? 8 9 COMMISSIONER ALVAREZ: No. I just want to take this opportunity to thank our staff there for the updates, 10 11 so thank you, Reagan and Allison. 12 COMMISSIONER DEMERSON: None here. 13 CHAIRMAN DANIEL: Thank you. Do we have 14 any motions? 15 COMMISSIONER ALVAREZ: I move that we delay 16 reinstating TWC childcare attendance policy and continue 17 monitoring the situation as discussed. 18 COMMISSIONER DEMERSON: Second. 19 CHAIRMAN DANIEL: Been moved and seconded. 20 We're unanimous. Thank you. 21 REAGAN MILLER: Thank you. 22 CLAY COLE: Good morning, Chairman Daniel, 23 Commissioner Alvarez, Commissioner Demerson, Mr. Serna. For the 24 record, Clay Cole, UI Division. Just want to start off with a 25 quick UI claims and payment activity update. To date we've

processed over 3.8 million claims and paid out approximately \$19 billion in unemployment benefits. Currently we have approximately 1.7 million active UI claimants receiving benefits.

I really commend all our UI staff, contract call centers, volunteers for their commitment. Great work for servicing Texas in need. I will say call centers remain open 7:00 a.m., 7:00 p.m., seven days a week. And UI continues to explore options for expanding resources to further improve overall service delivery for customers. Discussions are underway with several potential partners. We're working to identify a turnkey solution. Initial plan is to add approximately 100 contract investigators, 50 appeal junior hearing officers, 30 appeal case processors, and some transcription services for an initial six-month period of time.

UI and External Relations Communications continue to work closely on managing outreach to UI customers. Last Friday we emailed roughly 1.4 million customers about the Federal Pandemic Unemployment Compensation program, or the \$600 CARES Act benefit, that's set to expire week ending July 25, 2020. So the email communication, really, again, making sure customers understand that expiration date that is set on July 25, 2020.

UI and IT continue working on programming for implementing the high unemployment period program that

extends potential duration of benefits for eligible claimants up to additional seven weeks or 30 percent of their regular UI entitlement. The extension is for individuals who exhaust state-extended benefits or also any of the pandemic unemployment assistance customers that exhausted extends their entitlement from 39 weeks to 46 weeks. And this doesn't change any current federal CARES Act expiration dates.

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And this concludes my update and I'll be happy to answer any questions y'all might have.

CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER ALVAREZ: No, Chairman.

COMMISSIONER DEMERSON: Chairman, I--and Commission, I'd just like to thank Clay and the team [unintelligible] again, for legendary customer service you guys are providing to employers and those claimants. We continue to get a number of calls in [unintelligible] staff reacts to those individuals and we're able to check those off the box. And so just thank you for what you guys are doing.

CLAY COLE: You're welcome.

CHAIRMAN DANIEL: Let me echo that and just say I appreciate the continued innovation. You know, we are still hearing concerns from customers intermittently on their ability to do business, either with our call centers or our automated systems, and I do appreciate the continued attention

to that and the willingness and ability to be innovative and looking for continued solutions to ensure that customers have connectivity with TWC. We do need to keep doing that, I know that you are, and I sincerely appreciate the 3.8 million folks that have completed their claim, the 1.7 that are currently receiving benefits, and then the number of other folks that are either contemplating that or trying to understand that better, and I know we've put measures in place all through the system to help deal with the volume of folks that we have.

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And now the complexity because, at this point, if someone's having issue with their claim or the connectivity with the system, it's probably something more complex than your average run-of-the-mill issue, and I know we've put a number of individuals trying to help people sort those out quickly, particularly when benefits are due. So up and down the system, appreciate it, the nimbleness. Appreciate the innovativeness. I know, at this point, it's been several months and we've been running seven days a week. Unfortunately, we're still running seven days a week and we still will be, but I do appreciate the willingness to staff to continue to contribute to the solutions and understand--you know, I don't think our folks have ever lost fact -- lost sort of pride of the fact that these are fellow Texans that we're helping and I hope we'll continue to find innovative ways to do that, as we have been through the process.

So to the team, thank you for your ability to continue to solve problems. Unfortunately, there's a couple more problems to solve, and it sounds like you're working on those, as well, so I appreciate that very much.

COLE CLAY: You're welcome, Chairman. I'll let the team know and I can guarantee a huge emphasis on just making sure that any of those customers that are trying to reach us, that there may be barriers or inability to get to us, behind the scenes, we're looking and making sure that we're doing callbacks or emails, anyway we can, to ensure that we're communicating back to those customers. That's a huge emphasis that we're making sure that we're continuing to do everything we can to meet that challenge. And you're right, a lot of work still ahead.

CHAIRMAN DANIEL: Thank you.

with the comments that you made and probably we've all had an opportunity to visit our call centers. Some of us have had the ability—I mean, have—we've all made contact with, at some point, with those folks that represent us at the front line, our call center employees. So, Clay, I, again, want to agree—I agree with the Commissioner's remarks regarding the hard work that your office and all of your staff is doing and especially those that are our front line call center employees. You know, it's nice, and we understand there's challenges, but it's nice

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   to hear from someone to say, "Hey, so and so from Dallas or El
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   Paso answered all my questions." So thank you for the training
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   and working so closely with Tom to disseminate all that
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   information to our constituents around the state. So thank you
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   for that.
                         CLAY COLE: You're welcome.
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                                                      Thank you.
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                         CHAIRMAN DANIEL: Other comments or
   questions?
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                         COMMISSIONER ALVAREZ: No, Chairman.
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                         CHAIRMAN DANIEL: Okay. Thank you very
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   much.
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                         CHAIRMAN DANIEL: Anything else under
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   Agenda Item 11?
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                         MALE: No, sir, that's the last thing we
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   had.
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                         CHAIRMAN DANIEL: All right. Thank you.
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   Tom, do we have a legislative report today?
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                         TOM MCCARTY: Yes, Mr. Chairman. Good
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   morning, Chairman Daniel, Commissioner Alvarez, Commissioner
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   Demerson, and Mr. Serna. For the record, Tom McCarty, External
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   Relations. The U.S. House Appropriations Committee passed a
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   labor, health, and human services and education fiscal year 2021
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   funding bill yesterday. We did send an email to your office on
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   this, but, in summary, the bill includes 196.5 billion in
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   overall funding, which is an increase of 2.4 billion above
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fiscal year 2020 enacted levels. It also includes 925 million in emergency contingency funding to help states address spikes in unemployment claims. And, also, a little over 1 billion for registered and produce of programs.

The bill will go to the full house

The bill will go to the full house representatives for their consideration. A summary—and as I mentioned earlier, we sent you the summary of the funding levels that went into a little bit more detail to your office. On Thursday at 1:00 p.m. Eastern, the U.S. House Small Business Subcommittee on Innovation and Workforce Development will hold a hearing titled "Putting America Back to Work: The Role of Workforce Development and Small Business Rehiring." We will monitor this hearing closely and provide you detailed summary as to what transpires with that hearing.

We'll continue to monitor Congressional actions for potential legislation regarding COVID-19 and any assistance that may be available, especially next week when we expect Congress to be back in session, both the House and the Senate. That concluded my remarks and I'm happy to answer any questions you may have.

CHAIRMAN DANIEL: Comments or questions?

COMMISSIONER ALVAREZ: Great news, Tom.

Thanks for the report.

COMMISSIONER DEMERSON: None here.
CHAIRMAN DANIEL: Thank you.

1 TOM MCCARTY: Thank you. 2 CHAIRMAN DANIEL: Ed, an executive 3 director's report. 4 ED SERNA: Just one quick item, an item of 5 recognition. The task awarded its 2020 Project Award for 6 category of application of innovative tools to transform the 7 delivery of public service to our virtual assistance, or chat 8 bot, Larry the Bot, so we--Larry the Bot's been recognized as an 9 outstanding application to transform the delivery of public 10 service and we're very pleased with the efforts of our staff and 11 our contractor, Accenture and AWS. 12 CHAIRMAN DANIEL: Well, I know--13 ED SERNA: And with that, I have nothing 14 else. 15 CHAIRMAN DANIEL: I know a lot of work went 16 into that and quickly. We were able to stand up this piece of 17 artificial intelligence in days, not weeks or months, and, in 18 fact, in weeks went from Version 1 to Version 2. I know a lot 19 of people worked very hard and the recognition for the 20 innovation is very much appreciated. 21 ED SERNA: Yes, sir. It started off with 22 20 questions and now we're up to 100 plus, gathering information 23 for callbacks and things, so we're very pleased with it. 24 CHAIRMAN DANIEL: And I know that's one of 25 the many tools we've used to try to ensure that we can

1 communicate with everyone who's trying to communicate with us. 2 That, combined with additional call center capacity and even 3 outbound calls, from the information that we can gather from the 4 Chat Bot and artificial intelligence, so lots of tools we've 5 deployed in the last, well, since the middle of March and it's 6 a--was it--I consider it innovative at the time and I quess 7 somebody agreed with me now that we've [unintelligible]. 8 ED SERNA: Yes, sir, this is true. 9 CHAIRMAN DANIEL: Any comments or questions 10 for Ed while we've got him? 11 COMMISSIONER ALVAREZ: Well, Ed, I want to 12 thank you and the team for, you know, this outside-the-box 13 thinking and being able to accommodate our constituents 14 regarding the volume of calls. It couldn't have come at a 15 better time when we were celebrating Larry's birthday, which was 16 last--yesterday, if I'm not mistaken, so it was--17 ED SERNA: [Unintelligible]. 18 COMMISSIONER ALVAREZ: --appropriate for 19 us--for him to receive this award, as well. So it was an honor 20 for him to be--not only have this Chat Box named after him but 21 for us to be able to recognize all the great work not only you 22 but the staff that were involved in putting this together. 23 I [unintelligible] --

ED SERNA:

[Unintelligible].

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1 COMMISSIONER ALVAREZ: --if I didn't 2 acknowledge, we had another birthday this past weekend, which 3 was Aaron Demerson, turned 29, I think. 4 COMMISSIONER DEMERSON: That's right. 5 [Unintelligible]. I want to also echo, Ed, thank you guys for 6 the work you're doing and sharing a good idea with the Bot that 7 we have that's [unintelligible]. I want to make sure that we're 8 marketing that though. I think you mentioned Accenture as the 9 company or so, so if we've not done any press about that, I'd 10 love to see that going out so that folks are becoming more aware 11 of Larry that's out there. So--12 ED SERNA: Yes, sir. We did when we 13 launched it, but we need to refresh that so we'll take that. 14 Thank you very much all of you. 15 COMMISSIONER DEMERSON: That's fine to 16 refresh him but also the award, that that [unintelligible] award 17 that he received. Love to have that going out, if it hadn't. 18 Probably already gone out, but if it hasn't, [unintelligible] 19 that award. That's good news for us. 20 ED SERNA: Yes, sir. 21 COMMISSIONER ALVAREZ: Congratulations 22 again, Ed. 23 ED SERNA: Yes, sir. 24 COMMISSIONER ALVAREZ: Great tools that we 25 have in place. We have great tools so thank you for that.

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                         ED SERNA: Yes, sir. That's all I had, Mr.
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   Chairman.
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                         CHAIRMAN DANIEL: All right. Thank you.
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   Anything else come before the commission as we celebrate the
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   undisclosed anniversary of Commissioner Demerson's 29th
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   birthday?
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                         COMMISSIONER DEMERSON: I got a lot of
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   cards, I'll tell you.
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                         CHAIRMAN DANIEL: A lot of folks wishing
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   you well. I'm glad to hear that.
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                         COMMISSIONER ALVAREZ: Yes.
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                         COMMISSIONER DEMERSON: Appreciate that.
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                         CHAIRMAN DANIEL: Any other order of
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   business? Do we have a motion to adjourn?
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                         COMMISSIONER ALVAREZ: Chairman, I move
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   that we adjourn.
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                         COMMISSIONER DEMERSON: I second that
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   motion.
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                         CHAIRMAN DANIEL: It's been moved and
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   seconded to adjourn, and we are unanimous. This commission
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   meeting is adjourned. Thank you.
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