



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

APRIL 12, 2022

1 Tuesday, April 12, 2022

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

5 MR. TROBMAN: Good morning, commissioners.
6 Les Trobman, general counsel. We have Ms. Baray, Sarah Baray. If
7 you could go ahead and unmute yourself, introduce yourself for
8 the record, and proceed.

9 SARAH BARAY: Good morning, commissioners.
10 Thank you for allowing me time to provide comments this morning.
11 My name is Sarah Baray. I'm the CEO of PreK4SA, San Antonio's
12 award-winning early learning initiative. PreK4SA operates four
13 licensed early learning and care centers and we also support
14 providers across Bexar County. We are also active members of
15 Early Matters San Antonio and Early Matters Texas. I'm here
16 today to say thank you. Thank you for providing leadership in
17 making much needed improvements to the child care services in
18 Texas. I also want to thank TWC staff for their diligence in
19 drafting proposed changes to Chapter 809 that will help to
20 improve the quality of learning and care for our young children
21 across Texas. While I must admit that I have not fully absorbed
22 all of the proposed changes in the document, what I have gleaned
23 on first reading is very encouraging. The staff seems to have
24 done an exceptional job balancing the need to give providers
25 time to change while also recognizing the urgent need for

1 families and children to have improvements in our child care
2 system. When the brains of young children are developing a
3 million synapses every second, it means that not just every day
4 but every minute matters in the lives of young children. I
5 appreciate that you and the TWC staff are taking serious the
6 changes to improve our system by helping providers to get into
7 TRS, giving them enough time to get in but also recognizing that
8 they cannot just stay at the base level forever. They need to
9 continue moving on. And as just importantly to provide the
10 supports to help them increase their quality. I have not seen a
11 provider that isn't interested in increasing the quality of
12 services but the economics of child care don't always work out
13 and allow providers to do that. Again, I'm here to say thank you
14 for your leadership in helping to make a complicated system
15 better and to commit to working with you and with TWC staff to
16 continue to figure out how can we provide better services for
17 our young children and their families while helping providers to
18 run successful businesses. Thank you.

19 MR. TROBMAN: [inaudible] a few additional
20 commenters when we get to Item Number 13.

21 CHAIRMAN DANIEL: Good morning, Ms. Miller.

22 MS. MILLER: Good morning, sir.

23 CHAIRMAN DANIEL: Thank you. That's the end
24 of Agenda Items 3 through 7. We'll take a short break. This is

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1 Agenda Item 8, a discussion paper authorizing the use of the
2 Special Administration Fund.

3 CHRIS NELSON: Good morning, chairman,
4 commissioners, Mr. Serna. For the record, Chris Nelson, chief
5 financial officer. The Special Administration Fund or Fund 165
6 was created to receive penalties and interest collected under
7 the Unemployment Compensation Act and has specific allowable
8 uses. Most notably it funds TWC's labor law programs. The Mixed
9 Earner Unemployment Compensation program or MEUC was one of the
10 unemployment insurance programs authorized by the CARES Act. In
11 June of 2021, TWC withdrew from all CARES Act unemployment
12 insurance programs prior to implementing the MEUC program.
13 However, TWC has identified \$52,809.82 in staff and contractor
14 programming costs associated with work performed on the
15 implementation prior to TWC's withdrawal from the CARES Act
16 programs. Since these costs are not chargeable to any Department
17 of Labor federal grant due to not implementing MEUC and there
18 being no other general revenue associated with the unemployment
19 insurance program outside of the Special Administration Fund,
20 staff are seeking commission approval to utilize Section
21 203.202(c) of the Labor Code authorizing use of the Special
22 Administration Fund to cover these costs. That concludes my
23 remarks and I'd be happy to answer any questions.

24 CHAIRMAN DANIEL: Any comments or questions?

25 COMMISSIONER ALVAREZ: None here, chairman.

1 COMMISSIONER DEMERSON: None here.

2 CHAIRMAN DANIEL: Is there a motion?

3 COMMISSIONER ALVAREZ: I move that we
4 authorize the use of \$53,809,000, I mean \$809,082 from the
5 Special Administration Fund to cover administrative costs
6 including indirect costs incurred working on the implementation
7 of the MEUC program.

8 CHRIS NELSON: Just to concur, that was
9 \$52,809.82, commissioner? I thought I heard a million in there.
10 That's why.

11 COMMISSIONER ALVAREZ: I did have million.
12 Somebody's going to be in time out.

13 CHAIRMAN DANIEL: So, it's \$52,809-ish.

14 CHRIS NELSON: And 82 cents, yes. No ish.

15 CHAIRMAN DANIEL: No ish. You got the 82
16 cents.

17 COMMISSIONER ALVAREZ: With those
18 corrections made, that's my motion.

19 COMMISSIONER DEMERSON: I'll second that
20 motion but I was not going to second the 52 million so second.

21 CHAIRMAN DANIEL: We're unanimous. Thank
22 you. This is Agenda Item 9, BCY2022, supplemental child care
23 distributions.

24 REAGAN MILLER: Good morning, chairman,
25 commissioners. Reagan Miller with the Child Care and Early

1 Learning Division. This morning for your consideration is the
2 distribution of 46.25 million in child care stimulus funding to
3 enroll more low-income children in the remaining months of Board
4 Contract year 22 from May through September. You approved these
5 funds on March 22nd as part of the 314.75 million overall amount
6 of stimulus funding approved for more low-income child care.
7 This 46.25 million will bring the board's BCY22 allocation to
8 just over one billion dollars. These additional funds are
9 intended to help boards increase the number of children that
10 they're serving in the remaining months of this contract year so
11 that we're better positioned to implement the increased funding
12 we have in BCY23. As a reminder the planning estimate that you
13 approved a couple of weeks ago will take us to 1.26 billion next
14 year. In today's discussion paper we're recommending that the
15 commission consider two criteria for the distribution of funds,
16 and that boards meeting both criteria will not be eligible for
17 the supplemental funding. First, boards that have expended less
18 than 20 percent of the CCF-allocated funds, and second, boards
19 whose child care performance is below 90 percent of their
20 target, both of these as of January would not be eligible. Based
21 on this criteria 24 boards would be eligible for funding as
22 outlined in the discussion paper. I want to point out that while
23 four boards would not be receiving additional funding based on
24 their current expenditures, they do have enough available
25 funding to continue to ramp up the number of children that

1 they're serving in the remaining months of this contract year so
2 that they are also prepared to serve the higher number of
3 children that we plan to serve next year. I'm happy to answer
4 any questions.

5 CHAIRMAN DANIEL: Any comments or questions?

6 COMMISSIONER ALVAREZ: None here, chairman.

7 COMMISSIONER DEMERSON: None here.

8 CHAIRMAN DANIEL: Is there a motion?

9 COMMISSIONER ALVAREZ: I move that we
10 approve the supplemental distribution of the Board Contract Year
11 2022 child care funding to the boards as recommended by staff
12 and described in the discussion paper.

13 COMMISSIONER DEMERSON: I second.

14 CHAIRMAN DANIEL: It's been moved and
15 seconded. We're unanimous.

16 REAGAN MILLER: Thank you.

17 COMMISSIONER DEMERSON: Reagan, just real
18 quick. I had an opportunity to attend the African American
19 Leadership Institute event last week, and thank you for having
20 your team members there. That's a group that has a very serious
21 interest in child care issues for both the workers and the
22 employers out there. We appreciate the information you guys got
23 to us. It was very well received and they are wanting to applaud
24 your efforts on communicating information out there as well. You

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1 guys are doing a really good job with that so thank you for your
2 support.

3 REAGAN MILLER: Thank you, commissioner.

4 CHAIRMAN DANIEL: This is Agenda Item 10,
5 the TWC 2021 annual report.

6 MARGARET HESSION: Good morning, Chairman
7 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
8 Serna. For the record, Margaret Hession, director of
9 communications. You have before you for discussion the TWC's
10 2021 draft annual report to the Governor and Texas Legislature.
11 The report has included the elements required by statute. The
12 current contents include a message from Chairman Daniel, a
13 message from Commissioner Alvarez, a message from Commissioner
14 Demerson, an overview of TWC, a summary page entitled TWC Builds
15 Partnerships, an unemployment compensation trust fund chart,
16 civil rights division data, local workforce development
17 locations. The supplemental report has been referenced in the
18 annual report. It was previously adopted by the commission and
19 will be submitted in conjunction with the annual report as
20 required by statute. Staff is seeking adoption at this time. We
21 are also requesting approval to revise any minor edits. Asking
22 Les to hand out some edits we made, minor revisions. Staff is
23 waiting to receive any further edits or directions you might
24 have at this time. Thank you for your consideration.

25 CHAIRMAN DANIEL: Any comments or questions?

1 COMMISSIONER ALVAREZ: Chairman, I have a
2 comment. First of all, Margaret, I want to tell you what great
3 work that you've done in multiple times that you've been to the
4 offices, all offices, to discuss this report so I compliment you
5 and your staff for that. This year's annual report, and I am
6 just pleased that each commissioner was given an opportunity to
7 directly communicate to stakeholders regarding the work of each
8 office, the agency, and the workforce boards. It was an
9 opportunity to talk about our vision and all the work we do
10 collectively so again, thank you for the great work you've put
11 forth.

12 COMMISSIONER DEMERSON: I have no other
13 comments. I remember having a discussion with Ed about that
14 exact thought so I think it was really a good thought process to
15 separate those things out. Good job.

16 MARGARET HESSION: Thank you, commissioner.

17 CHAIRMAN DANIEL: I would agree. The format
18 came out nice. It was something new we tried. I think ultimately
19 it does give us a way to really talk about some priorities for
20 the agency. Commissioners, I do want to ask about one thing.
21 Apologies for the last-minute nature of this. On page 12 there
22 is a chart about the UI trust fund. The chart is 100 percent
23 correct. If you're not completely accustomed to looking at UI
24 trust fund charts, this chart would lead you to believe that the
25 trust fund was under water. Technically it was on that date.

1 Again, every figure in this chart is correct. We've checked
2 them. I'm wondering if we should take the fourth footnote and
3 either make that bold, change the color, move it up, put it in a
4 bar, add a column. The treatment of it I'm not as concerned
5 about but what happened in November just a couple months after
6 the trust fund closed out, in fact, when we closed out the trust
7 fund for that particular program year, we had some idea that we
8 were progressing toward that [inaudible]. I just would not want
9 to lend the impression that at any time or even to the current
10 day that we're not financially solvent when in fact we are and
11 it's operating [inaudible]. That is the only suggestion I would
12 have. It just sort of struck me yesterday when I was looking
13 back over this. I would really hate for someone to misunderstand
14 or be misled by what they think they're seeing because they're
15 not just quite accustomed to sort of reading our charts. If
16 there's no objection to that from the commissioners, I'd leave
17 it to you to sort of highlight that somehow and talk about what
18 happened with regard to the money but other than that, I have no
19 other suggestions for the report.

20 COMMISSIONER ALVAREZ: Chairman, I'm OK with
21 that recommendation since I don't seem to know the difference
22 between 52,000 and 52 million so my fault but I agree. I'm OK
23 with that change.

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1 CHAIRMAN DANIEL: I appreciate that. The
2 thing is you dream big, and it's always in millions and I
3 appreciate that. Thank you very much.

4 COMMISSIONER DEMERSON: A-OK here.

5 CHAIRMAN DANIEL: No objections. So is there
6 a motion on the issue at large?

7 COMMISSIONER ALVAREZ: I move that we
8 approve adoption of—whoa, what chapter—we're on 10.

9 CHAIRMAN DANIEL: Number 10.

10 COMMISSIONER ALVAREZ: I move that we
11 approve the TWC annual report and submit to the Governor's
12 Office and the Texas Legislature.

13 COMMISSIONER DEMERSON: Second.

14 CHAIRMAN DANIEL: I assume, commissioner,
15 your motion would include the change we just agreed to.

16 COMMISSIONER ALVAREZ: And with the
17 additional changes that were made from the dais by Chairman
18 Daniel.

19 CHAIRMAN DANIEL: Thank you. I think we're
20 unanimous on this. Thank you very much.

21 MARGARET HESSION: We'll be happy to make
22 that change. Thank you.

23 CHAIRMAN DANIEL: This is Agenda Item 11,
24 Chapter 804, JET grant program.

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1 ABBY AUSTIN: Good morning, Chairman Daniel,
2 Commissioner Alvarez, Commissioner Demerson, Mr. Serna. For the
3 record my name is Abby Austin with the Outreach and Employer
4 Initiatives Division. Commissioners, before you today for your
5 consideration for adoption are final rule amendments to Chapter
6 804, Jobs and Education for Texans, or the JET grant program. In
7 an open meeting on January 11, 2022, the commission approved
8 posting of the proposed amendments to TWC's Chapter 804 rules
9 regarding implementation of recently passed legislation
10 broadening the list of entities eligible to apply for and
11 receive JET grant funds. The proposed rule amendments were
12 published in the January 28, 2022, issue of the Texas Register
13 for a 30-day public comment period. We did not receive any
14 comments on the proposed rules. Following closure of the comment
15 period staff did identify the need to make a technical change
16 and amended 804.41(d)(1) to change the word college to grant
17 recipient. This technical change was necessary to reflect the
18 expanded list of entities eligible to receive JET grant funds.
19 Staff recommends adoption of the Chapter 804 rule amendments as
20 included in today's meeting notebook and published on the
21 agency's website. Should the commission adopt these rules, staff
22 requests the ability to make minor nonsubstantive changes to the
23 document in order to comply with publication requirements of the
24 Texas Register and Office of the Secretary of State. This
25 concludes my presentation. I'm happy to answer any questions.

1 CHAIRMAN DANIEL: Any comments or questions?

2 COMMISSIONER ALVAREZ: None here, chairman.

3 COMMISSIONER DEMERSON: None here.

4 CHAIRMAN DANIEL: Is there a motion?

5 COMMISSIONER ALVAREZ: I move that we
6 approve adoption of Chapter 804 rules, Jobs and Education for
7 Texans, JET grant program.

8 COMMISSIONER DEMERSON: I second.

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

11 CHAIRMAN DANIEL: This is Agenda Item 12,
12 Chapter 800, New Subchapter D, Employee Benefits. That's an
13 ominous start, Mr. Serna.

14 JERRY WHITE: I know.

15 JERRY WHITE: Chairman, commissioners, I'm
16 Jerry White, director of human resources here at the Workforce
17 Commission. Before you today for your consideration for adoption
18 are the final rule amendments to Chapter 800, General
19 Administration. In an open meeting on January 11, 2022, the
20 commission approved proposed amendments to TWC's Chapter 800
21 rules to add New Subchapter D, implementation of legislation
22 requiring TWC to adopt rules and prescribe procedures relating
23 to the operation of the agency's sick and family leave pools.
24 This is the law change that will set up an additional safety net
25 for our employees who suffer serious or catastrophic illnesses

1 or adopt children or bring children into their homes as well.
2 The proposed rule amendments were published in January 28, 2022,
3 issue of the Texas Register for a 30-day public comment period.
4 TWC did not receive any comments on the proposed changes, and no
5 changes were made to the rule language. Staff recommends
6 adoption of the Chapter 800 rule amendments as included in
7 today's meeting notebook and published on the agency's website.
8 Should the commission adopt these rules, staff requests the
9 ability to make minor nonsubstantive changes to the document in
10 order to comply with the publication requirements of the Texas
11 Register and the Office of Secretary of State. That completes my
12 presentation and I can answer any questions if you have them.

13 CHAIRMAN DANIEL: Any comments or questions?

14 COMMISSIONER ALVAREZ: None here, chairman.

15 COMMISSIONER DEMERSON: None here.

16 CHAIRMAN DANIEL: Is there a motion?

17 COMMISSIONER ALVAREZ: I move that we adopt
18 the amendments to 40 Texas Administrative Code, Chapter 800,
19 Chapter D, Employee Benefits, as recommended by staff.

20 COMMISSIONER DEMERSON: I second.

21 CHAIRMAN DANIEL: It's been moved and
22 seconded. We're unanimous. This is Agenda Item 13, Chapter 809,
23 Child Care Services.

24 ALLISON WILSON: Good morning, chairman,
25 commissioners, Mr. Serna. Allison Wilson with the Child Care and

1 Early Learning Division for the record. Commissioners, before
2 you today for your consideration are proposed amendments to the
3 Chapter 809, Child Care Services rules. In an open meeting on
4 December 21, 2021, the commission approved a related policy
5 concept and directed staff to draft the proposed rules that are
6 before you today. Staff also posted the policy concept for three
7 weeks to solicit input from local Workforce Development Boards
8 and child care stakeholders. We received multiple comments which
9 staff considered during the development of these proposed rules.
10 The proposed amendments will address several bills passed by the
11 87th Texas Legislature, Regular Session, including House Bill
12 2607 which requires all subsidized providers to participate in
13 Texas Rising Star, House Bill 1792 which requires TWC to select
14 a statewide entity for Texas Rising Star assessors, and Senate
15 Bill 1555 which requires TWC to align reimbursement rates with
16 child care regulations age groups for ratios and group sizes.
17 Additionally the proposed rule amendments include several
18 changes to improve program service delivery, consistency, and
19 efficiency. Staff recommends submitting these proposed rules for
20 publication in the Texas Register for a 30-day public comment
21 period. Staff also requests the ability to make minor
22 nonsubstantive changes to the document in order to comply with
23 the publication requirements of the Texas Register and the
24 Office of the Secretary of State. This concludes my remarks and
25 I'm happy to answer any questions.

1 CHAIRMAN DANIEL: All right, hold that
2 thought. We've got some public commenters. Mr. Trobman.

3 MR. TROBMAN: Yes, first we have Brooks
4 Jones. Mr. Jones, you can unmute yourself and proceed.

5 BROOKS JONES: Hi, my name is Brooks. I'm
6 actually going to be representing TLCCA today, the Texas
7 Licensed Child Care Association. We represent several child
8 cares, hundreds of child cares in the state of Texas. I'm
9 excited that [inaudible] do this in the 30-day comment period.
10 Just from some of the notes that we've done when we're reading
11 through it, one, I want to thank Reagan and her team for putting
12 in the work in the rules and these changes. They've done a great
13 job. 809.95 providers automated agreements, attendance
14 agreements, we like—as providers we would prefer not to see any
15 more POS machines. That was a struggle for us and for our
16 parents. I know you all are implementing a CCCMS in 2023. What I
17 would love to see for that is a third party to integrate with
18 the attendance portal of that with their child care management
19 softwares. We use Procare, Brightwell, LifeCubby, different
20 [inaudible] to choose to integrate so that it can record the
21 attendance that's done on staff on hand already and not add
22 another burden to providers and to families. With the entry
23 level, 809.131(e), what we're asking for or what I'm going to be
24 asking for on this one is to have a shorter timeframe other than
25 the 12 months for a new provider. The barrier of entry is

1 getting more steep for providers in low-income areas now that is
2 a requirement that they become a TRS-certified provider, and so
3 what we're asking for is during that time, Reagan has come up
4 with a wonderful scoring and point system, and her team, and I
5 think it's a great piece but just timeline is what I'm concerned
6 about. We can't apply to be a TRS provider until 12 months after
7 already being open, and if you were again to get one of the
8 [inaudible] citations, then you have to wait an additional 12
9 months on that initial period. But if you are already a TRS
10 provider you only have to wait six months, and so what I'm
11 asking is that for that first initial one of new providers,
12 instead of being a 12-month waiting period, to be a six-month
13 waiting period so that they can start the TRS process sooner and
14 not get into having to wait that 12 months causing potential
15 them being off the program with the concern. And 809.135, Texas
16 Rising Star process for reconsideration, now that Texas Rising
17 Star certification is a requirement as well, I'd like to see
18 more brought in for concerns, complaints, hearings, and appeals
19 for providers. When it was a voluntary program, I can understand
20 why there just needed to be one little policy of that of
21 reconsideration done at the board level but now that is a
22 mandate and directly correlated to our funds, I would like to
23 have more of an appeal process for providers so that our voices
24 are heard, we can go through that process, and actually I'd
25 prefer to go back to after the company, the third-party company,

1 is picked potentially with TWC partnership in that appeals
2 process and reconsideration process, and then if we have
3 complaints on the company a way for us to communicate that as
4 providers other than our hands being tied because I do feel like
5 that's what 809.135 is kind of doing for us. Those are my
6 concerns and thank you for listening to me.

7 MR. TROBMAN: Thank you. Next, we have
8 Kassondra Camargo.

9 KASSONDRA CAMARGO: Can you hear me?

10 MR. TROBMAN: Yes, we can.

11 KASSONDRA CAMARGO: Awesome. Good morning.
12 My name is Kassondra Camargo. I'm the director of education with
13 Christian Preschool Center. I appreciate your time this morning
14 and thank you for allowing us this time to have our voices
15 heard. We want to thank you for hearing us in the discussion of
16 the Three-Star designation program. By changing that program to
17 the entry-level program with a strong point threshold I think
18 will be much more beneficial to providers. In reading through
19 the suggested changes in Chapter 809, one item that stood out
20 was 809.132 discussing Texas Rising Star suspension status. One
21 issue that was observed in reading this is the unrealistic goals
22 set with the 12-month suspension timeframe. The way it reads is
23 if a provider gets moved to suspension status, the provider
24 cannot even reapply for reconsideration until after the first
25 six months. This is an issue for providers for a couple of

1 different reasons. One, providers aren't able to apply for
2 reconsideration until after the first six months which at this
3 time we are already being penalized by not being able to accept
4 new families. Two, with there being a statewide entity the
5 provider is to request a reconsideration assessment. That being
6 said, the provider can't request this until after the first six
7 months but before the end of the second six months. With us not
8 having the statewide entity currently in place, our assessments
9 were still two months out. This means that I see providers not
10 being able to be assessed in time causing them to lose their TWC
11 funding for not meeting requirements. Number three, in section A
12 there are circumstances such as have 15 or more total high or
13 medium-high weighted licensing deficiencies during the most
14 recent 12 months with licensing. If this occurs the provider
15 would be put on suspension status with no chance to get this
16 corrected within the six-month to 12-month period and be able to
17 request a reconsideration which would cause them to provide
18 again or to cause the provider again to lose their TWC funding.
19 This suspension status still gives no grace to Two-Star
20 providers and minimal grace to those that are three or four star
21 as those citations may come at a quicker rate with certain ones.
22 My recommendation is to change the timeframe to 18 months
23 allowing the provider time to successfully meet requirements in
24 hopes of continuity of care for the students and families.
25 Again, thank you for your time.

1 MR. TROBMAN: Thank you. Finally we have
2 Saharah Solis. Ms. Solis, if you can unmute yourself and
3 proceed. Ms. Solis? Commissioners?

4 CHAIRMAN DANIEL: Thank you, Mr. Trobman.
5 All right, any comments or questions for Allison?

6 COMMISSIONER ALVAREZ: None here, chairman.

7 COMMISSIONER DEMERSON: None here.

8 CHAIRMAN DANIEL: Is there a motion?

9 COMMISSIONER ALVAREZ: I move that we
10 approve the—

11 SAHARAH SOLIS: Can you hear me?

12 ALLISON WILSON: Yes, we can hear you. Go
13 ahead.

14 SAHARAH SOLIS: May I proceed?

15 ALLISON WILSON: Yes, you may.

16 SAHARAH SOLIS: My name is Saharah Solis. I
17 am associate director of education at [inaudible]. Thank you for
18 this time to allow me to speak and be heard on the suggested
19 changes on Chapter 809. These changes have a direct impact on
20 child care and the services that we are able to provide. Firstly
21 I wanted to say that I am in favor of Chapter 809, Subchapter
22 131(e) (2) as it explains the points threshold for high and
23 medium-high CCR deficiencies in the most recent 12-month period
24 and the established guidelines. I do suggest that the point
25 system be inserted into this chapter in addition to the

1 guidelines so that way they would be easier to keep record of
2 and continue to follow. Second, in Chapter 809, Subchapter 20,
3 as the age groups are suggested to change and comply with the
4 CCR age groups, I am suggesting that those changes of the
5 reimbursement rates be given to providers at a six-month notice
6 giving the providers six months to be able to prepare and budget
7 for these changes to come. Lastly in the Chapter 809, Subchapter
8 93, I am in favor for providers being paid prospectively,
9 however, my recommendation is that an amendment be made
10 specifically that if a student is terminated for nonpayment
11 circumstances or failure to comply with behavior code of conduct
12 within the school that the provider does not need to pay back
13 that reimbursement as we work with our families prior to
14 termination in the circumstances. Thank you again for the time
15 to be heard as I look forward to partnering with you guys,
16 partnering in changes to child care services and continuing to
17 provide excellent care and education for our students. Thank
18 you.

19 ALLISON WILSON: Thank you, Ms. Solis.

20 CHAIRMAN DANIEL: Is there a motion?

21 COMMISSIONER ALVAREZ: Chairman, I move that
22 we approve the proposed rule amendments to 40 Texas
23 Administrative Code, Chapter 809, Child Care Services for
24 publication in the Texas Register and public comment as
25 recommended by staff.

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COMMISSIONER DEMERSON: Second.

CHAIRMAN DANIEL: It's been moved and seconded. We're unanimous. This is Agenda Item 14, Chapter 817, Child Labor, and Chapter 821, Texas Payday Rules.

JASON STALINSKY: Good morning, Chairman Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For the record, I'm Jason Stalinsky, director of the office of investigations and prosecutions for the Division of Fraud Deterrence and Compliance Monitoring. Before you today is a policy concept to amend the Chapter 817, Child Labor rules, and the Chapter 821, Texas Payday Rules. Under Texas Labor Code Chapter 51, Employment of Children, the Texas Legislature granted TWC the authority to issue administrative penalties if TWC determined that a person who employs a child has violated Chapter 51 or commission rule. Under Texas Labor Code Chapter 61, also referred to as the Texas Payday Law, the Texas Legislature granted TWC the authority to adjudicate wage claims and issue preliminary wage determination orders. Determinations under these chapters become final if not appealed within 21 days of being issued. The rulemaking proposed in this policy concept would allow staff to issue corrected determinations within the 21-day period before a determination becomes final unless an appeal is filed. A common situation where this could occur would be a mathematical error calculating penalties or wages owed. This rulemaking would allow staff to issue a corrected

1 determination rather than requiring a time-consuming and
2 administratively costly appeal. This corrected decision
3 authority already exists within other agency programs. As is
4 current practice, an exception would exist for situations where
5 staff mails the determination to a clearly erroneous address.
6 Staff is also proposing a slight restructuring of the appeals
7 sections within these rules so they clearly follow the corrected
8 determination. Additionally staff is recommending a technical
9 correction to a definition in the child labor rules to align
10 with the statutory language in Chapter 51. Finally the four-year
11 rule reviews for Chapter 817 and 821 required by Texas
12 Government Code Section 2001.039 must be completed by January
13 2023. As part of this policy concept, staff proposes reviewing
14 rules to ensure they align with the current program processes
15 and procedures and address any proposed changes in the proposed
16 rules. Today staff seeks approval to move forward with
17 developing the proposed rules and reviewing these chapters as
18 outlined in the policy concept. I'm available for any questions
19 you may have.

20 CHAIRMAN DANIEL: Any comments or questions?

21 COMMISSIONER ALVAREZ: None here.

22 COMMISSIONER DEMERSON: None here.

23 CHAIRMAN DANIEL: Is there a motion?
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1 COMMISSIONER ALVAREZ: Chairman, I move that
2 we approve the policy concept for amending Chapter 817 and 821
3 as discussed by staff.

4 COMMISSIONER DEMERSON: I second.

5 CHAIRMAN DANIEL: It's been moved and
6 seconded. We're unanimous. This is Agenda Item 15, approval of
7 recertification of community rehabilitation.

8 LIZET HINOJOSA: Good morning,
9 commissioners, Mr. Serna. For the record, Lizet Hinojosa with
10 Vocational Rehab. Today before you you have a discussion paper
11 regarding the approval of recertification of community
12 rehabilitation programs to participate in the Purchasing from
13 People with Disabilities state-use program. The Texas Human
14 Resource Code requires the Texas Workforce Commission to
15 establish rules for the certification of community
16 rehabilitation programs or CRPs to participate in the Purchasing
17 from People with Disabilities program. TWC Chapter 806,
18 Purchases of Products and Services from People with
19 Disabilities, rule 806.41, establishes requirements for
20 participation in the program and subsequent adherences to those
21 requirements when a CRP has been certified. CRPs must reapply
22 every three years before the expiration date on their
23 certificate. The PPD program has reviewed the applications of
24 four CRPs seeking continued participation in the program through
25 recertification. All four CRPs pay minimum wage or higher, and

1 those are starting with number one, A Lift for Life Outreach
2 Center out of Dallas. Number two is Janie Clements Industries
3 Center for Life Resources in Brownwood. Three is Goodwill
4 Industries of East Texas, Tyler, and lastly, Marian Moss
5 Enterprises out of Lubbock. Staff recommends the recertification
6 of the four CRPs for continued participation in the PPD program,
7 and I am available to answer any questions.

8 CHAIRMAN DANIEL: Any comments or questions?

9 COMMISSIONER ALVAREZ: None here, chairman.

10 COMMISSIONER DEMERSON: None here.

11 CHAIRMAN DANIEL: Is there a motion?

12 COMMISSIONER ALVAREZ: Chairman, I move that
13 we approve recertification of the community rehabilitation
14 programs to participate in the Purchasing from People with
15 Disabilities program as recommended by staff.

16 COMMISSIONER DEMERSON: I second.

17 CHAIRMAN DANIEL: It's been moved and
18 seconded. We're unanimous. This is Agenda Item 20, board
19 nominations.

20 CHERIE DUDLEY: Good morning, chairman,
21 commissioners, and Mr. Serna. For the record, Cherie Dudley with
22 the Workforce Development Division. For your consideration this
23 morning we have workforce nominations for Capital Area, Concho
24 Valley, Lower Rio Grande Valley, and Southeast Texas. Staff

25

1 seeks guidance on the presented nominees, and I'm here to answer
2 any questions you may have.

3 CHAIRMAN DANIEL: Any comments or questions?

4 COMMISSIONER ALVAREZ: None here.

5 COMMISSIONER DEMERSON: None.

6 CHAIRMAN DANIEL: Is there a motion?

7 COMMISSIONER ALVAREZ: Chairman, I move that
8 we approve the board nominees for Capital Area, Concho Valley,
9 Lower Rio Grande Valley, and Southeast Texas.

10 COMMISSIONER DEMERSON: Before I second the
11 motion I did want to point out Workforce Solutions Capital Area,
12 they're appointing the private sector appointee, Walter Gonzales
13 from Tesla, a new company in our state and we're glad to see
14 that appointment being made on that board. I second the motion.

15 CHAIRMAN DANIEL: It's been moved and
16 seconded. We're unanimous.

17 CHERIE DUDLEY: Thank you.

18 CHAIRMAN DANIEL: Thank you. A legislative
19 report by Michael Britt, the Michael Britt, all right. I'll try
20 to remember that, the Michael Britt.

21 MICHAEL BRITT: Good morning, Mr. Chairman,
22 Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For
23 the record, the Michael Britt, governmental relations. Last week
24 the U.S. House Education and Labor Committee held a markup of
25 HR7309 which is the Workforce Innovation and Opportunity Act of

1 2022, and passed the amended bill to the full U.S. House of
2 Representatives. At this time U.S. House leaders have not
3 announced a timeline for that bill to be taken up by the full
4 House. We will of course keep you updated as that timeline is
5 announced. With the state legislature, both the Texas House and
6 Texas Senate have issued their interim charges for the 87th Texas
7 Legislature, and a summary of those interim charges relevant to
8 TWC have been provided to your offices. But on that note TWC has
9 been requested to testify before the House Committee on Business
10 and Industry on April 27th. The committee will be taking up two
11 interim charges at that hearing related to TWC. One is related
12 to operational changes and strategies employed by TWC to improve
13 outcomes related to UI benefits, and the other charge is related
14 to studying the impacts of the pandemic on unemployment trends,
15 hurdles to the workforce reentry and industry-specific
16 disruptions. Mr. Serna will be testifying at the hearing on both
17 of these interim charges for the agency. This concludes my
18 remarks and I'm happy to answer any questions you may have.

19 CHAIRMAN DANIEL: Any comments or questions?

20 COMMISSIONER ALVAREZ: None here, chairman.

21 COMMISSIONER DEMERSON: None here.

22 CHAIRMAN DANIEL: Reserving my right to
23 strike the "the" from "the Michael Britt." Thank you. Is there
24 an executive director's report today?

25 MR. SERNA: There is none.

1 CHAIRMAN DANIEL: Thank you very much. Is
2 there any other order of business to come before the commission?

3 COMMISSIONER ALVAREZ: I have none.

4 COMMISSIONER DEMERSON: I have a couple of
5 things I want to bring up real quick.

6 COMMISSIONER ALVAREZ: Besides the picture
7 that you were in? That was a good picture.

8 COMMISSIONER DEMERSON: Only serious issues
9 here. First of all, I wanted to thank the public commenters,
10 those child care providers and those employers that are out
11 there. They continue to provide input and we continue to
12 appreciate their input. Commissioner Alvarez, we had a chance to
13 read the health care apprenticeship report where we're
14 replicating and scaling the nursing programs as employers are
15 pretty excited about that report, and so appreciate. Didn't have
16 a chance to recognize that last week but wanted to let you know
17 that the employers are pretty excited about the additional
18 opportunity that they'll have through that program as we address
19 the nursing shortage in the state. Last week I had an
20 opportunity to go out to Bloom Consulting. This is autism month
21 and this is a company, we had a HireAbility ceremony and over 30
22 percent of their employee base are folks with disabilities and
23 so that's kudos to that company and the work that they're doing
24 in that space as we continue to go out. Melinda and the team
25 have been phenomenal in the sense of being out there doing work

1 in that regard so thank you for having that. We also had a TCE,
2 Texas Conference for Employers, where over 500 employers were
3 signed up and so kudos to Julie and her team, and Margaret and
4 her team for the work that they're doing to put that on. We did
5 a virtual conference right here in this room, well attended and
6 well received from that standpoint but I wanted to point out
7 that. Thank you, guys, for allowing the team to work in that
8 regard. And then lastly, I saw Jerry here with the Capitol
9 10,000, a 10K we did. The TWC had a team. A number of
10 individuals were a part of the team and they were out running
11 representing the agency in a big, big way. Cassandra Medrano on
12 my team was an ambassador for that race and so there was a
13 wellness program was well represented with TWC and thank you yet
14 again for the support of those efforts. Chairman, thank you for
15 the opportunity.

16 CHAIRMAN DANIEL: Thank you. Any other order
17 of business?

18 COMMISSIONER ALVAREZ: I don't know. Randy,
19 is there anything you'd like to announce, maybe someone who may
20 be retiring soon that just walked in? Ed, would you like to make
21 an announcement for the record? No? OK.

22 CHAIRMAN DANIEL: Is there a motion to
23 adjourn?

24 COMMISSIONER ALVAREZ: Chairman, I move that
25 we adjourn.

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COMMISSIONER DEMERSON: I guess I'll second
that motion.

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