



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

OCTOBER 31, 2023

1 Tuesday, October 31, 2023

2 CHAIRMAN DANIEL: Good morning, everyone.

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

5 MR. TROBMAN: No, sir.

6 CHAIRMAN DANIEL: Thank you very much. Good
7 morning, Ms. Miller.

8 MS. MILLER: Good morning, sir.

9 CHAIRMAN DANIEL: Thank you. We'll take a
10 short recess.

11 CHAIRMAN DANIEL: All right, this is Agenda
12 Item 9, Memorandum of Understanding between Texas Workforce
13 Commission and the Texas Higher Education Coordinating Board.

14 COURTNEY ARBOUR: Good morning, chairman,
15 commissioners, Mr. Serna. Courtney Arbour, Workforce Division.
16 I'm seeking your approval today to execute a memorandum of
17 understanding with the Texas Higher Education Coordinating Board
18 which will be signed today by Mr. Serna assuming it is approved
19 today. This agreement formalizes the key projects and strategies
20 that we are working together on with the Coordinating Board both
21 now and in the near future. The strategies include Talent
22 Pipeline, Credential Library, Opportunity High School Diploma,
23 Work-based Learning, coordination of Employer Engagement, and
24 coordination of grant activity. I'm happy to answer any
25 questions.

1 CHAIRMAN DANIEL: Comments or questions?

2 COMMISSIONER DEMERSON: None here.

3 COMMISSIONER TREVIÑO: None here.

4 CHAIRMAN DANIEL: Is there a motion?

5 COMMISSIONER DEMERSON: Chairman, I move
6 that we approve proceeding forward with the proposed memorandum
7 of understanding between the Texas Workforce Commission and the
8 Texas Higher Education Coordinating Board to jointly implement
9 certain workforce development strategies as recommended today by
10 staff.

11 COMMISSIONER TREVIÑO: I second the motion.

12 CHAIRMAN DANIEL: The vote is unanimous. The
13 motion passes.

14 COURTNEY ARBOUR: Thank you.

15 CHAIRMAN DANIEL: Agenda Item 10, Final
16 Rules on Chapter 838, Texas Industry-Recognized Apprenticeship
17 Program grant program.

18 KERRY BALLAST: Good morning, Chairman
19 Daniel, Commissioner Alvarez, Commissioner Trevino, and Mr.
20 Serna. For the record—did I?

21 COMMISSIONER TREVIÑO: Yes, you said
22 Alvarez.

23 KERRY BALLAST: My apologies for that. I'm
24 going to start over. Good morning, Chairman Daniel, Commissioner
25 Demerson.

1 COMMISSIONER DEMERSON: Aaron Demerson.

2 KERRY BALLAST: I guess this is me acting
3 out this being your last day, right?

4 CHAIRMAN DANIEL: Kerry, grief is a normal
5 response when somebody's leaving. Don't be embarrassed by it. We
6 all go through a series of emotions. I will point out for the
7 record that you did account for Commissioner Treviño. It was
8 Commissioner Demerson. In other words, you're preparing for his
9 exit and that's OK.

10 KERRY BALLAST: I am. It is the only way I
11 can do this.

12 CHAIRMAN DANIEL: I understand. Do you want
13 to walk back and sit down and try it again or are you just going
14 to start from there?

15 KERRY BALLAST: I better not, better not.

16 CHAIRMAN DANIEL: OK.

17 COMMISSIONER DEMERSON: I was oblivious to
18 it all.

19 KERRY BALLAST: For the record, Kerry
20 Ballast, Workforce Development Division. Commissioners, before
21 you today for your consideration and adoption are final rule
22 amendments to Chapter 838. In an open meeting on August 22,
23 2023, the commission approved proposed amendments to TWC's
24 Chapter 838 rules regarding the Texas Industry-Recognized
25 Apprenticeship Program. The proposed rule amendments were

1 published in the September 1, 2023, issue of the Texas Register
2 for a 30-day public comment period. Public comments were
3 received. Staff reviewed and responded to the comments but no
4 changes were made to the proposed rules. Staff recommends
5 adopting the amendments to Chapter 838. Should the commission
6 adopt these rules, staff requests the ability to make minor
7 nonsubstantive changes to the document in order to comply with
8 publication requirements of the Texas Register and the Office of
9 the Secretary of State. This concludes my remarks. I'm available
10 to answer any questions that you may have. Thank you.

11 CHAIRMAN DANIEL: Comments or questions?

12 COMMISSIONER DEMERSON: None here.

13 COMMISSIONER TREVIÑO: I would like to thank
14 everyone who submitted comments during the public comment
15 period. The amount of public involvement shows how important and
16 needed the Texas Industry-Recognized Apprenticeship Program is.
17 I look forward to seeing this implemented and the many Texans
18 who will benefit from these training programs. Thank you.

19 COMMISSIONER DEMERSON: Awesome. No
20 comments.

21 CHAIRMAN DANIEL: Is there a motion?

22 COMMISSIONER DEMERSON: Mr. Chairman, I move
23 that we approve the adoption of amendments to 40 Texas
24 Administrative Code, Chapter 838, Texas Industry-Recognized
25 Apprenticeship Grant Program as recommended today by staff.

1 COMMISSIONER TREVIÑO: I second the motion.

2 CHAIRMAN DANIEL: The vote is unanimous and
3 the motion carries. All right, Agenda Item 11, Pre-
4 Apprenticeship Training Program funding for Fiscal Year 2024.

5 KERRY BALLAST: Good morning, commissioners.
6 For the record, Kerry Ballast, Workforce Development Division.
7 For your consideration today is the Fiscal Year 2024 planning
8 estimate for pre-apprenticeship training programs. Each year the
9 Texas Workforce Investment Council makes recommendations
10 regarding Chapter 133, Apprenticeship Training Programs. This
11 year also TWIC recommends for the FY24 pre-apprenticeship
12 program a maximum pre-apprenticeship cost per participant of
13 \$2,000. Commission decision points for the FY24 funding are as
14 follows: A planning estimate of \$1,815,527 in general revenue
15 for FY24 pre-apprenticeship funds, and an FY24 maximum pre-
16 apprenticeship cost per participant of \$2,000. As required by
17 TAC Rule 837.21, with the commission's approval we will provide
18 public notice of the amount of funds available to support pre-
19 apprenticeship training programs for FY24. This concludes my
20 remarks. I'm happy to answer any questions.

21 CHAIRMAN DANIEL: Questions or comments?

22 COMMISSIONER DEMERSON: None here.

23 COMMISSIONER TREVIÑO: The pre-
24 apprenticeship program are a great way to prepare individuals
25 with additional training and instruction before going to a

1 registered apprenticeship programs. I'm happy to support this
2 and I would like to request that you brief us at the end of
3 Fiscal Year 24 on the success of the program to see if
4 additional funding is needed based on that demand. Thank you.

5 CHAIRMAN DANIEL: Is there a motion?

6 COMMISSIONER DEMERSON: Chairman, I move
7 that we approve the planning estimate of \$1,815,527 in general
8 revenue for Fiscal Year 2024 pre-apprenticeship funds, and a
9 maximum pre-apprenticeship cost per participant of \$2,000 as
10 recommended today by staff.

11 COMMISSIONER TREVIÑO: I second the motion.

12 CHAIRMAN DANIEL: The vote is unanimous. The
13 motion carries. This is Agenda Item 12, Purchasing from People
14 with Disabilities Program Central Nonprofit Agency Fiscal Year
15 24 Management Fee.

16 JUAN GARCIA: Good morning, commissioners,
17 Mr. Serna. Juan Garcia with the Voc Rehab Division. This morning
18 for your consideration and approval are the proposed Central
19 Nonprofit Agency Management Fee Rates for FY24 along with the
20 method of calculation. Section 806.31 of the Texas
21 Administrative Code requires the commission to approve the
22 management fee rates and the method of calculation on a yearly
23 basis. The proposed rates and the method of calculation as
24 presented in the discussion paper before you remain unchanged
25 from last year. The rates are six percent for products and

1 services, and five percent for temp services. As required, the
2 rates were posted for a 60-day public comment period. Two
3 comments were received, both were positive and supportive of the
4 proposed rates. Staff recommends the approval of the management
5 fee rates and the method of calculation as presented in the
6 discussion paper. With that, I can answer any questions you
7 might have.

8 CHAIRMAN DANIEL: Comments or questions?

9 COMMISSIONER DEMERSON: None here.

10 COMMISSIONER TREVIÑO: None here.

11 CHAIRMAN DANIEL: Is there a motion?

12 COMMISSIONER DEMERSON: Mr. Chairman, I move
13 that we approve the Purchasing from People with Disabilities
14 Program Fiscal Year 2024 Central Nonprofit Agency Management Fee
15 Rates and Method of Calculation as described in the discussion
16 paper and recommended today by staff.

17 COMMISSIONER TREVIÑO: I second the motion.

18 CHAIRMAN DANIEL: The motion carries. This
19 is Agenda Item 13, Reemployment Services and Eligibility
20 Assessment Pilot Funding.

21 DAWN CRONIN: Good morning, chairman,
22 commissioners, Mr. Serna. For the record, my name is Dawn Cronin
23 with the Workforce Division. Before you today in your briefing
24 materials is the RESEA Subsequent Meeting Pilot for
25 consideration and funding. The pilot is to fund subsequent

1 meetings for RESEA claimants. The staff is recommending the use
2 of RESEA grant carry-forward funds to support the 12 boards
3 participating in the pilot. Distribution to these 12 boards is
4 based on their current RESEA performance, their expenditure
5 patterns, historic outreach pools and workloads. Staff is
6 recommending to use a total of \$2,065,000 in carryover funds to
7 distribute to the boards participating in the pilot, and staff
8 seeks direction this morning on the use of these RESEA carry-
9 forward funds to distribute to the 12 boards participating in
10 the subsequent meeting pilot. I'm happy to answer any questions.

11 CHAIRMAN DANIEL: Comments or questions?

12 COMMISSIONER DEMERSON: None here.

13 COMMISSIONER TREVIÑO: None here.

14 CHAIRMAN DANIEL: Is there a motion?

15 COMMISSIONER DEMERSON: I move that we
16 approve the use of carryover funds distributed to the 12 local
17 Workshop Development Boards participating in the Reemployment
18 Services and Eligibility Assessment Subsequent Meetings Pilot as
19 described in the discussion paper and recommended today by
20 staff.

21 COMMISSIONER TREVIÑO: I second the motion.

22 CHAIRMAN DANIEL: The motion carries. This
23 is Agenda Item 14, Board Nominations.

24 CHERIE DUDLEY: Good morning, chairman,
25 commissioners, and Mr. Serna. For the record, Cherie Dudley with

1 Workforce Development. Today for your consideration we have
2 Workforce Board nominations for Concho Valley, North Central
3 Texas, Golden Crescent, North Texas, Northeast Texas, Coastal
4 Bend, and Rural Capital Area. Staff recommends approval on the
5 presented nominees, and I'm here to answer any questions you may
6 have.

7 CHAIRMAN DANIEL: Comments or questions?

8 COMMISSIONER DEMERSON: None here.

9 COMMISSIONER TREVIÑO: None here.

10 CHAIRMAN DANIEL: This list is exceptionally
11 long. Do you do this in honor of Commissioner Demerson's last
12 commission meeting?

13 CHERIE DUDLEY: Sure, yes.

14 CHAIRMAN DANIEL: You did?

15 CHERIE DUDLEY: Yes.

16 CHAIRMAN DANIEL: Well done. Good work.

17 CHERIE DUDLEY: OK, thank you.

18 CHAIRMAN DANIEL: Is there a motion?

19 COMMISSIONER DEMERSON: Mr. Chairman, I move
20 that we approve the local Workforce Development Board member
21 nominees presented today for the following Workforce Solutions
22 areas: Workforce Solutions Concho Valley, North Central Texas,
23 Golden Crescent, North Texas, Northeast Texas, Coastal Bend, and
24 Rural Capital Area.

25 COMMISSIONER TREVIÑO: I second the motion.

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

3 CHERIE DUDLEY: Thank you.

4 CHAIRMAN DANIEL: Thank you. Well, we're to
5 the part of the program where we ask for any other order of
6 business from the commission. Before I let Commissioner Demerson
7 talk, I would just say this is in fact your last commission
8 meeting. What a pleasure it's been to serve with you. Although
9 we've been friends, I was trying to figure this out the other
10 night. I think it's 25 years at this point.

11 COMMISSIONER DEMERSON: It's a long time.

12 CHAIRMAN DANIEL: It's been more than two
13 decades, and it's been a pleasure to work with you but I don't
14 think that's really going to stop. We work a lot with the Texas
15 Economic Development Corporation and I know that we'll continue
16 to do that. It's good to have a friend there, working there.
17 Looking forward to continuing our work on economic development
18 which is now nearly three decades old, and I think we've still
19 got a lot of work to do and I'm excited to really do that.

20 COMMISSIONER TREVIÑO: I agree. I mean we've
21 been working together just a short time but in talking to
22 Commissioner Alvarez and the friendship that you all had, and
23 just the mentorship that you gave me while I was here just
24 barely starting out, and the confidence and professionalism that
25 you showed inspires me to continue that so I look forward to you

1 doing bigger and better things in the future and working with us
2 as well. I just appreciate everything that you've done in my
3 short time here and everything that you've explained and given
4 to me that you could so appreciate that.

5 COMMISSIONER DEMERSON: Good.

6 CHAIRMAN DANIEL: Mr. Serna, you have a few
7 things you want to get off your chest? [Inaudible].

8 MR. SERNA: I will comment that I noticed
9 all the staff after Kerry simply said either Mr. Chairman,
10 commissioners, or commissioners. None of them tried to name you
11 all anymore.

12 CHAIRMAN DANIEL: Kerry's a leader.

13 MR. SERNA: I do want to for myself and also
14 for all the staff at TWC want to congratulate Commissioner
15 Demerson and also express our appreciation for all the support
16 that he's given the staff as a commissioner, and then also for
17 his success as a member of the staff which is kind of unique. As
18 a member of the staff for so many years, I've known Aaron for
19 some time as well. That happens when you get old. You've just
20 been knowing people for a long time but he's done an outstanding
21 job. We wish him well in his future endeavors and will continue
22 to work with him however we can to continue to advance Texas. So
23 with that, commissioner, good luck.

24 COMMISSIONER DEMERSON: Thank you. Thank
25 you, Ed. So I'm going to have some comments but let me do this

1 part of business first and then I'll get to the other. I've
2 heard more information, shared a little bit about career
3 exploration and providing mobile career exploration labs could
4 be a solution. I hope that in the immediate future, that
5 commissioners would work with local partners to provide an
6 opportunity for more enhanced career exploration and training
7 simulations. I think, Commissioner Treviño, you've had an
8 opportunity to kind of look at some of those mobile units and
9 the like, and with the short timeframe that I have here, I'm not
10 able to push that initiative through but I hope the commission
11 would take a hard look at that down the line. We have employers
12 that are jumping in in a big way in supporting those efforts,
13 and so hopefully we'll see some work and some results down the
14 line there. Mr. Chairman, you're exactly correct. We've known
15 each other for a number of years, a long time. I was trying to
16 think the same thing, and it's been a good journey over the
17 years, and to come full circle here at the commission has been a
18 joy working with you. Commissioner Treviño, the short amount of
19 time that we've had has been meaningful and impactful. I mean
20 we've had a good opportunity and you're doing a good job with
21 the team that you have, and I wish you well in the future, and I
22 know that that's going to continue moving on. I think I have a
23 celebration or something from 11 to one today the team's kind of
24 putting together as well but, Ed, our relationship and
25 friendship goes way back as well. I think you had the

1 relationship with my wife before me, and so Rose is in the
2 audience and the like, and so appreciate the friendship, the way
3 that [inaudible] just kind of lined all of this up to come here
4 full circle and end up where I am now, and a tremendous team
5 that's out here. I'll say this in some of the comments when we
6 finish but in my letter of resignation letter to the governor, I
7 was just applauding the team on what we've done before but
8 during the pandemic has been just truly phenomenal, and I think
9 we're going to all kind of look back at that at some point in
10 our lives and realize the work that was put into that. I've had
11 a fantastic run and it was only done with the support of the
12 team, and I truly continue to appreciate that, Ed's leadership,
13 working with my fellow commissioners. Chairman, you've been in
14 that position for quite some time and leading us through the
15 pandemic and the like. It's not for the fainthearted, and so we
16 appreciate it, and don't take any of that for granted. And then
17 to my team, a dynamic team, starting with the OEI team but now
18 the team that I have in the commission office is just a solid
19 group of people, and I'll tell them that over and over, and so
20 before I close out I wanted to—one other thing, April, who I can
21 even tell you guys now, I'll still get you from afar, and so I
22 see Julia over there shaking her head but we'll continue that
23 even from afar but it's been a pleasure. So Josh, if you can
24 help me with the bag, bring that bag up here real quick. That's
25 our intern, Josh, so his last duty today. He has no idea what

1 he's doing. The other bag as well, Josh. You left one right
2 there. [Inaudible], you can help me with whatever you brought in
3 so stop at Ed's desk real quick, Josh, with that smaller bag,
4 giving him good instructions. Not that one, the other one, there
5 you go. Ed, you can pull that out. So Ed, I would always have an
6 apple on my desk, and I can always tell that Ed has been to my
7 office because the apple—Ed and I have this relationship about
8 apples and so, Ed, that's honey crisp and fuji apples there so
9 done with that part. Just appreciate his relationship. Then this
10 is an Alamo Draft card for Ed and Alex. How old is Alex now?

11 MR. SERNA: Eleven.

12 COMMISSIONER DEMERSON: Eleven, and so I
13 probably met him when he was two or something. I used to lift
14 that young man up so I gave Ed a Christmas gift for him and Alex
15 to go watch a movie, and so this is an opportunity to go watch
16 another movie as well. Thank you, Ed, for all your work. Let's
17 give Ed a round of applause. Appreciate you. Secondly, let me
18 see what we have over here. The chairman is a man who knows a
19 lot about everything, a lot about everything. I've heard him
20 talking about all kinds of issues and so I got the chairman the
21 Texas Rangers, the official commemorative bicentennial guide all
22 about the Texas Rangers. I know he's going to enjoy reading
23 that. Also, the National Geographic Titanic Exploring the
24 Discovery of a Lifetime, and so this is a good book there. Texas
25 Highways, a Higher Plain, Explore the one-of-a-kind culture at

1 the top of nowhere and that's Amarillo right here but this Texas
2 Highways book, I know the chairman would appreciate that as
3 well. His videos have gone all the rave so entertainment. The
4 Ultimate guide to Yellowstone, I've not watched that yet but I
5 was trying to find something with Hollywood there but I couldn't
6 find anything so the closest that I got there. Always teasing,
7 the chairman gets one bite on those videos. He's leaving you
8 guys. He's gone to higher and better things, and then this is
9 the ultimate, the Taylor Swift fan book. She's into everything.

10 CHAIRMAN DANIEL: You were doing so good.

11 COMMISSIONER DEMERSON: The incredible story
12 of her rise from country singer to global icon. This is the last
13 one to the chairman.

14 UNIDENTIFIED: [Inaudible].

15 COMMISSIONER DEMERSON: And I have a
16 Starbucks card for you, chairman, to drink coffee with those.

17 CHAIRMAN DANIEL: While I'm reading my
18 books, yeah.

19 COMMISSIONER DEMERSON: That's right so hand
20 me that one. Lastly to Commissioner Treviño, join the club.
21 That's a Texas umbrella that all the commissioners have been
22 graced with and so you'll think about me whenever you pull that
23 out. Keep that in your car. When it rains whatever, you're going
24 to say, God, that was a good thing that Commissioner Demerson
25 did, and appreciate that big time.

1 CHAIRMAN DANIEL: The four times a year that
2 happens, I use that every single time.

3 COMMISSIONER DEMERSON: But you use it in
4 the sun, and people love you because it covers a lot of space,
5 and so that's a good umbrella, and everybody will know you
6 because it's Texas size and a Texas emblem umbrella but again, I
7 appreciate all of you guys and what you've done to make my life
8 easier as I go to the Texas Economic Development Corporation, an
9 awesome opportunity, and the governor just has a—he's ready to
10 do some amazing things and so we can only do that together, and
11 so I'm looking forward to bringing you guys into that fold right
12 away. Chairman, you mentioned that we're going to be able to do
13 some amazing things but workforce and economic development
14 coupled with education, all of those things are phenomenal, and
15 this agency has a lot that can be shared and I'm going to be
16 doing that sharing, the best workforce team in the nation in my
17 opinion so thank you, guys, for everything. This is my last
18 commission meeting but I think we have some other celebration
19 taking place but it's been a joy, a delight. Love you guys all
20 and if I can do anything in the position that I have over there,
21 I'm always willing to help any individuals both professionally
22 and personally. On a personal note, even to the point of helping
23 Courtney this morning, other duties as assigned. I'm walking
24 into the building and Courtney is trying to get into the garage
25 but she's parked—here's the key fob here, Courtney's parked

1 about right here and all I see is somebody just dangling their
2 card out like that so I came up to help her out so Courtney,
3 thank you for that last additional duty as well. Thank you,
4 guys, for the opportunity and the time.

5 COMMISSIONER TREVINO: Thank you.

6 CHAIRMAN DANIEL: In four years Aaron
7 Demerson has only ever complained about one thing.

8 COMMISSIONER DEMERSON: What was that?

9 CHAIRMAN DANIEL: Relative to being on the
10 commission, and so today as a final act of service I will
11 relieve you of the only burden you've ever complained about.
12 Commissioner Treviño, I move to adjourn.

13 COMMISSIONER TREVIÑO: I second that.

14 CHAIRMAN DANIEL: We are adjourned.

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