

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, JANUARY 15, 2008

BE IT REMEMBERED THAT at approximately
9:01 a.m., Tuesday, the 15th day of January, 2008, the
above-entitled matters came on for hearing at the
Texas Workforce Commission, TWC Building, 101 East
15th Street, Room 244, Austin, Texas, before DIANE
RATH, RON LEHMAN and RONALD G. CONGLETON,
COMMISSIONERS, and LARRY TEMPLE, EXECUTIVE DIRECTOR,
of the Texas Workforce Commission; and the following
proceedings were reported by Janis Simon, a Certified
Shorthand Reporter of:

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P R O C E E D I N G S

TUESDAY, JANUARY 15, 2008

(9:01 a.m.)

AGENDA ITEM NO. 1

CHAIR RATH: Okay. We'll go ahead and
get started, and I think we have Tax Cases first.

AGENDA ITEM NO. 2

Discussion, Consideration and Possible
Action Regarding Whether to Assume Continuing
Jurisdiction on Unemployment Compensation Cases, Wage
Claim Cases, and/or Tax Liability Cases and
Reconsideration of Unemployment Compensation Cases,
Wage Claim Cases, and/or Tax Liability Cases, if Any
No discussion.

AGENDA ITEM NO. 3

Discussion, Consideration and Possible
Action Regarding Tax Liability Cases Listed on the
Texas Workforce Commission Docket 3

The Commission considered and took
action on all Tax Liability Cases listed on Docket 3.

AGENDA ITEM NO. 4

Discussion, Consideration and Possible
Action Regarding Higher Level Appeals in Wage Claim
Cases Listed on the Texas Workforce Commission
Docket 3

1 The Commission considered and took action on
2 all Wage Claim Cases listed on Docket 3.

3 AGENDA ITEM NO. 5

4 Discussion, Consideration and Possible
5 Action Regarding Higher Level Appeals in Unemployment
6 Compensation Cases Listed on the Texas Workforce
7 Commission Docket 3

8 The Commission considered and took
9 action on all unemployment compensation cases listed
10 on Docket 3.

11 (The Commission paused and continued
12 with the remainder of the agenda.)

13 CHAIR RATH: Okay. We'll go ahead and
14 come back into session.

15 AGENDA ITEM NO. 6

16 CHAIR RATH: Is there anyone signed up
17 for public comment?

18 MR. MOORE: No one is registered.

19 CHAIR RATH: Thanks.

20 AGENDA ITEM NO. 7

21 CHAIR RATH: And we have before us today
22 Child Care funds for FY '08 totaling \$701,472 and in
23 cash from Heart of Texas at 7,000 and in
24 certifications from Gulf Coast, Heart of Texas and
25 South Texas at 694,472. Are there any questions, or

1 is there a motion?

2 COMM. LEHMAN: I have no questions.

3 I'll enter a motion to accept the -- all the
4 donations, transfers and certifications.

5 COMM. CONGLETON: And I agree.

6 CHAIR RATH: And I also agree. And we
7 have 22 boards that are fully secured and almost 96
8 percent of the target is secured. So, the boards are
9 doing a really good job on that.

10 AGENDA ITEM NO. 8

11 CHAIR RATH: And that brings us to
12 Workforce Nominees.

13 (Brief pause)

14 COMM. CONGLETON: (Inaudible)

15 COMM. LEHMAN: I don't --

16 CHAIR RATH: That's why I don't have
17 anything in my notebook.

18 (Laughter)

19 CHAIR RATH: I was sitting here going,
20 "Now, where" --

21 (Laughter)

22 CHAIR RATH: So, we don't have any.
23 Sorry.

24 (Laughter)

25

1 AGENDA ITEM NO. 9

2 CHAIR RATH: Any federal or state
3 issues?

4 MR. LEWIS: No --

5 CHAIR RATH: Thank you, Commissioner
6 Congleton.

7 MR. LEWIS: No, ma'am.

8 CHAIR RATH: Okay.

9 AGENDA ITEM NO. 10

10 CHAIR RATH: Mr. Temple.

11 MR. TEMPLE: Two things. One,
12 Commissioner, I'd like to ask Gene if he would kind of
13 give an update of yesterday's conference call with
14 Department of Labor relative to the rescissions on
15 WIA.

16 MR. CRUMP: Good morning, Commissioners.
17 For the record, Gene Crump.

18 Basically, Commissioners, the conference
19 call yesterday -- four bullet points we need to talk
20 about. First off, the initial numbers we provide --
21 were provided by DOL were estimates.

22 We received an update yesterday right
23 before the conference call. Those numbers were also
24 estimates.

25 The final numbers will not be published

1 until mid February. Those will come out in a TEGL.

2 In comparing the two sets of numbers,
3 though, the impact to Texas was actually reduced by a
4 little less than 416,000. So, that would be good
5 news.

6 There is going to be some flexibility in
7 implementing the 250-million-dollar rescission. If we
8 need to, we could actually ask for a waiver to apply
9 that against FY '07 funds. All of the instructions
10 will be promulgated, again, in the TEGL.

11 I did ask Government Relations yesterday
12 to recap the -- the conference call. They have done
13 that in an e-mail, and that will be in your offices
14 when you return. Those are the high-level bullet
15 points.

16 A lot of questions from various states.
17 Probably the one that I thought was most unique was
18 New York asked if DOL had looked to apply the
19 reductions against the National Reserve Fund.

20 My opinion, DOL was caught a little
21 unaware of that question. So, they're going to go
22 back and research that, and we should have an answer
23 on that later.

24 And those would be my updated comments.

25 CHAIR RATH: It's a very interesting

1 question, particularly when you look at the hit that
2 New York is going to be taking.

3 MR. CRUMP: Correct.

4 CHAIR RATH: Very interesting question
5 because, just off the top of my head, looking at the
6 language, the language didn't excuse that source of
7 funds.

8 MR. CRUMP: Right.

9 CHAIR RATH: So, it's kind of
10 interesting.

11 Okay. Any questions?

12 COMM. LEHMAN: None.

13 COMM. CONGLETON: No.

14 Thank you.

15 CHAIR RATH: Very good. Thank you.

16 MR. TEMPLE: Commissioner, the other
17 thing, last week I had been invited to attend the
18 Louisiana Association of Business & Industry's Annual
19 Conference. It was quite impressive. There was over
20 900 people there.

21 Dan Juneau gets a pretty good audience.
22 He had -- at his head table for his lunch for his
23 keynote was the new Governor. He had the Lieutenant
24 Governor, the Speaker, the President of the Senate.
25 He had the Bishop of the local Diocese.

1 (Laughter)

2 MR. TEMPLE: He had -- every -- in the
3 audience he had every statewide elected official and a
4 majority of the sitting Senate and House. So, he
5 could have had a Special Session right there, if he
6 had wanted to. But we were complimented on many -- on
7 many fronts; one, for our -- our assistance,
8 obviously, during the Hurricane, but also in the
9 assistance that we've given them since then and trying
10 to understand what an integrated system and the
11 one-stops means and what it looks like.

12 And they have -- the Association has
13 adopted legislative agenda relative to workforce.
14 It's basically going to replicate the Workforce
15 Commission, including three commissioners. And I'm
16 all in favor of that. I told them I -- that --
17 that -- just I had the best life in the world, and I
18 fully supported that.

19 But, anyway, they are -- they are
20 presenting that to this -- this -- this year's
21 session. So, we may be getting some phone calls with
22 that, but I know in the -- the Business Journal there
23 in the -- in the state that they talked about an
24 article in there about how they were going to mirror a
25 lot of things that Texas did.

1 So, congratulations to everyone. I know
2 that Rodney Bradshaw has hosted this group several
3 times down in Houston, and -- and -- and to a large
4 degree, it's that model that they're trying replicate.

5 And another thing, on a -- on a -- on a
6 sad note, many of you are aware that Luis Macias's
7 wife passed away late last week, and a lot of you knew
8 her. Some of -- some of you worked with her probably
9 at -- at Human Services.

10 And the -- the Rosary will be tonight at
11 Cook-Walden here in Austin at William Cannon and 290
12 at seven o'clock. The visitation begins at 5:00, and
13 then there will be another service in El Paso later in
14 the week. But I just wanted to let everybody know,
15 and I know a lot of people would like to extend their
16 condolences to Luis and his family.

17 CHAIR RATH: Very good. Thank you.

18 Commissioner, do you have something?

19 COMM. CONGLETON: I do. I have had a
20 lot of calls in my office about folks not being able
21 to get through to the telecenters, and so we asked for
22 some numbers. And they kind of astounded me,
23 actually.

24 And these are people who -- who get the
25 message that the system is full, and they're not able

1 to take their calls. And it goes -- in the last six
2 months it goes from a high of 419,000, over 419 --
3 almost 500,000 to a low of 142,000. That's -- that's
4 a lot of people we're not getting the calls through.

5 And that's not folks getting a busy
6 signal; that's folks getting the message. And, you
7 know, I understand that -- do we -- we can only
8 stretch our money so far. But we're going to have to
9 do a better job than that, because that's -- I'm going
10 to have a hard time holding people ineligible if they
11 can't get through with their phone calls.

12 MR. TEMPLE: We'll make sure that --
13 that our system is doing what it's supposed to do
14 and -- and -- and verify that -- that our message
15 about Internet access is also being --

16 COMM. CONGLETON: Well, that -- that's
17 great, you know, but a lot of people don't have
18 Internet. And some have -- could have it and not know
19 how to use it, which is probably the case. So, we
20 still have a responsibility to take these claims,
21 and -- and we need to get that phone system up to par.

22 The Internet is wonderful, if you know
23 how to use the Internet. But there's a lot of folks
24 that don't use the Internet and don't have access to
25 the Internet. We have a -- still have a -- this is

1 still a rural state by and large.

2 CHAIR RATH: Thank you.

3 Commissioner, do you have anything?

4 COMM. LEHMAN: No, not -- not for now.

5 Thank you.

6 CHAIR RATH: Okay.

7 I wanted to share with Commissioner

8 Lehman and Commissioner Congleton that I -- Larry --

9 Mr. Temple and I were both at the TAWB meeting

10 yesterday, and they spent a lot of time discussing

11 Perryman's Report and a lot of time on Sunday, during

12 the Cowboy's football game, with the Education

13 Committee meeting and discussing some of their future

14 activities. So, I think they're very invigorated, and

15 they voted to support by \$10,000 the work of their

16 Education Committee as they move forward.

17 And then I just wanted to -- and I don't

18 know if y'all got this, but Mary Ann Rojas had shared

19 with me this DVD and calendar that they had produced

20 in Coastal Bend featuring some of the jobs. And it is

21 a really neat --

22 COMM. CONGLETON: I read it and sent her

23 a letter of congratulations in that area for what

24 they're doing. I think that's excellent.

25 CHAIR RATH: Uh-huh, really neat thing.

1 So --

2 COMM. LEHMAN: And I shared that with
3 the Odessa business community, that I just came back
4 from meetings with them last week, because they were
5 talking about doing similar things. And I encouraged
6 them to take inventory of where other work is being
7 done that they can use, rather than recreating things
8 like this.

9 CHAIR RATH: Uh-huh. And -- and that's
10 a great point, because one of the requests that was
11 made yesterday -- and -- and not formal but in the
12 discussion, for the boards to see how they can
13 decrease their admin, how they can better respond to
14 more efficient service, position the system in order
15 to better respond to the Perryman Report and -- and
16 how they are trying to integrate and -- and work more
17 cohesively was to have a repository for best
18 practices, questions, everything like that.

19 And so there was some discussion of
20 putting it on TAWB's Website, or when you look at
21 the -- probably the resources needed, and it does look
22 like it would benefit the system, that I said I
23 thought we would be very happy to support that.

24 COMM. LEHMAN: Uh-huh.

25 CHAIR RATH: So, I just wanted to share

1 that with you-all, that I -- I think it is a -- a very
2 good practice that they could really highlight so they
3 don't have to continually reinvent the wheel every
4 place. And -- and they even raised the issue that,
5 perhaps, such things as -- some of the models for
6 their RFPs, because they come out. And they do it so
7 informally, which just takes time but having someplace
8 where they could really access each other's practices
9 and ideas they thought would be very helpful.

10 COMM. CONGLETON: That's a good idea.

11 CHAIR RATH: So, I -- and would not be
12 surprised if they don't contact Mr. Temple about
13 following through with enacting that.

14 So, anything else?

15 (No response)

16 AGENDA ITEM NOS. 12 & 13

17 CHAIR RATH: If there's nothing else,
18 then we will stand adjourned until next week.

19 (Meeting adjourned: 9:29 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, JANIS SIMON, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true, and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of 2008.

JANIS SIMON
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