

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, JANUARY 29, 2008

BE IT REMEMBERED THAT at approximately
9:00 a.m., Tuesday, the 29th 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 29, 2008

(9:00 a.m.)

AGENDA ITEM NO. 1

CHAIR RATH: Okay. We'll go ahead and get started, and there's no Tax cases today. So, that brings us to Wage Claims, and we have one Wage Claim.

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 5

No discussion.

AGENDA ITEM NO. 4

Discussion, Consideration and Possible Action Regarding Higher Level Appeals in Wage Claim Cases Listed on the Texas Workforce Commission Docket 5

1 The Commission considered and took action on
2 all Wage Claim Cases listed on Docket 5.

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 5

8 The Commission considered and took
9 action on all unemployment compensation cases listed
10 on Docket 5.

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

13 CHAIR RATH: Okay. We'll go ahead and
14 resume our agenda.

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: Thank you. No one.

20 AGENDA ITEM NO. 7

21 CHAIR RATH: Then, that brings us to FY
22 '08 Child Care Matching Funds, and today we have
23 certifications in the amount of 670,285 from Lower Rio
24 and Upper Rio. Are there any questions, or is there a
25 motion?

1 COMM. LEHMAN: I have no questions, and
2 I'll enter a motion to approve the pledges.

3 COMM. CONGLETON: And I agree.

4 CHAIR RATH: And I also agree. As of
5 today, we have 99.4 percent of the funds raised, and
6 every board has gotten all their contracts in for all
7 the dollars. And the last one becomes official next
8 week. So, the boards have done a great job this year.

9 AGENDA ITEM NO. 8

10 CHAIR RATH: Next, we have the Policy
11 Concept on Revising the Confidentiality of
12 Unemployment Compensation Information, Ms. Parker and
13 Mr. Ross.

14 MS. PARKER: Thank you, Chair Rath,
15 Commissioners, Mr. Temple. For the record, I'm Diane
16 Parker with the Office of General Counsel. With me
17 today is Chuck Ross with the Workforce Division, and
18 we're here regarding a policy concept paper
19 implementing House Bill 2120 passed by 80th Texas
20 Legislature and final rules issued by the Department
21 of Labor revising confidentiality of unemployment
22 compensation information.

23 In developing rules to implement the
24 final federal regulations, as required by House Bill
25 2120, the Commission must define public domain and

1 confidential information and set limits upon the
2 authorized disclosure of confidential information.
3 This policy concept paper sets out three overarching
4 issues to meet this requirement with various decision
5 points under each issue.

6 Shall I take these up one by one?

7 CHAIR RATH: Uh-huh, please.

8 COMM. LEHMAN: Please.

9 MS. PARKER: Okay. Issue 1 concerns
10 disclosure of confidential unemployment compensation,
11 or UC information. Several factors are critical in
12 weighing options related to disclosure of this
13 information.

14 As DOL notes in the preamble to its UC
15 confidentiality regulations, and I quote,
16 "Confidentiality is necessary to avoid deterring
17 individuals from claiming benefits or exercising their
18 rights, to encourage employers to provide information
19 necessary for program operations, to avoid
20 interference with the administration of the UC
21 program, and to avoid notoriety for the program if
22 program information were misused."

23 Historically, this Commission's
24 practices have provided the greatest level of
25 confidentiality to UC information in order to ensure a

1 fair system in which all parties are willing and able
2 to participate. Retaining policies, which reflect
3 this conservative approach ensures consistency with
4 federal regulations, while at the same time
5 maintaining stakeholders' trust that the sometimes
6 very personal information presented in UC cases
7 remains protected.

8 Another increasingly important factor in
9 deciding how to treat confidential UC information is
10 the potential for identity theft and the considerable
11 harm (financial and otherwise) the release of such
12 information could cause UC program participants. The
13 Commission has historically waived these benefits and
14 risks in deciding what type of UC information to
15 release.

16 On Issue No. 1 staff recommends that TWC
17 rules mirror the federal standard that all UC
18 information be held as confidential, except for those
19 items that are specifically included in the definition
20 of public domain. Public domain information must be
21 released upon public request. Thus, consistent with
22 our current practices only UC information considered
23 public domain or otherwise expressly exempted may be
24 released.

25 CHAIR RATH: Thank you.

1 Are there any questions?

2 COMM. LEHMAN: I have none.

3 COMM. CONGLETON: No questions.

4 CHAIR RATH: Then, is there a motion on
5 Decision Point 1?

6 COMM. CONGLETON: Move to approve the
7 recommendation that TWC follows the federal standards.
8 All UC information should remain confidential, unless
9 it is considered public domain or expressly exempted
10 from the confidentiality rules.

11 COMM. LEHMAN: Second.

12 CHAIR RATH: And I agree.

13 MS. PARKER: Thank you.

14 Moving on, Issue 2 has several subparts
15 and involves defining the term public domain
16 information. Public domain information is generally
17 considered exempt from the UC confidentiality
18 requirements.

19 In the federal -- in the final federal
20 rules public domain information includes information
21 about the organization of the state, the state UC
22 agency and appellate authorities, including the names
23 and the positions of officials and employees. It also
24 includes any agreement, including interstate
25 agreements and reciprocal agreements and any

1 agreements with DOL related to the administration of
2 the state UC law. And it includes information about
3 the state UC law and applicable federal law,
4 provisions, rules, regulations and interpretations
5 thereof, including statements of general policy and
6 interpretations of general applicability.

7 This last item prompted this Commission
8 to comment on the proposed federal rules, because in
9 the draft federal rules DOL seemed to say that
10 appellate records and decisions would be considered
11 statements of general policy within the definition of
12 public domain information that is set out in 20 CFR
13 Section 603.2. This Commission was concerned that DOL
14 would interpret these regulations to require a state
15 to treat the entire appeal record and decision as
16 public domain information, which would be at odds with
17 current Commission policy.

18 As you know, this Commission determines
19 certain cases to be of precedential value and includes
20 a digest of each of those cases selected in the TWC
21 Policy and Precedent Manual. Only the de-identified
22 digest of Commission-approved precedents are treated
23 as public domain information at this Commission and
24 are available to the public on the TWC Website.

25 Full appeals records and fact-specific

1 decisions have historically been withheld. Our
2 recommendation on Issue 2A, therefore, is to recommend
3 maintaining this status quo in Commission operations
4 by, first, using the definition of public domain that
5 is set forth in 20 CFR 603.2(c) and allowing all TWC
6 organization type information, Texas UC law and any
7 Texas UC administration agreements to be released,
8 continuing the Commission's practice of holding
9 appeals records and decisions as confidential and not
10 releasable and continuing current Commission practice
11 of releasing de-identified Commission-designated
12 precedent case digests as statements of general
13 applicability under the definition of public domain
14 information.

15 CHAIR RATH: Any questions on Decision
16 Point 2?

17 COMM. LEHMAN: I have no questions.

18 COMM. CONGLETON: No questions.

19 CHAIR RATH: Is there a motion?

20 COMM. LEHMAN: I would enter a motion --
21 I believe the -- the status quo approach that TWC has
22 been using strikes the proper balance between the
23 public's right to know and the confidentiality of
24 certain sensitive information, and I move we accept
25 staff recommendations.

1 COMM. CONGLETON: And I agree.

2 CHAIR RATH: And I also agree.

3 MS. PARKER: Moving on, the second
4 portion of Issue 2 concerns disclosure to individuals
5 and employers for non-UC purposes. 20 CFR Section
6 603.6(a) requires disclosure to individuals and
7 employers of their own confidential UC information,
8 provided it is for UC purposes. The federal
9 regulations also permit disclosure of such information
10 for non-UC purposes under certain specified
11 circumstances, but DOL requires that disclosures for
12 non-UC purposes must be subject to cost reimbursement,
13 as grant funds may not be used to pay for such
14 disclosure costs.

15 Our recommendation, therefore, on
16 Decision Point 3 is that, subject to cost
17 reimbursement, Commission rules would allow a claimant
18 or an employer access to their own UC information,
19 even if that request is for non-UC purposes.

20 CHAIR RATH: Thank you.

21 If there's no questions, is there a
22 motion?

23 COMM. LEHMAN: I move we accept staff
24 recommendations on Decision Point B of 2. Is that
25 what -- yeah, 2B.

1 MR. ROSS: 2B.

2 COMM. CONGLETON: I agree.

3 CHAIR RATH: Okay. So -- and I agree
4 with Decision Point 3, so that subject to cost
5 reimbursement, claimant or employer can access their
6 own information, if -- even if the request is for
7 non-UC purposes.

8 MS. PARKER: Yes, ma'am.

9 Under Issue 2C, regarding agents and
10 non-agents, there are four decision points regarding
11 disclosure to agents and non-agents. Under the
12 important principal of informed -- informed consent,
13 the federal regulations permit the states to disclose
14 confidential UC information, including identifying
15 information to an employer or a claimant's agent upon
16 presentation of a written release from the particular
17 individual or employer or, when a written release is
18 impossible or impracticable to obtain, the agent can
19 present such other form of consent as is permitted
20 under state law.

21 Federal rules treat an elected official
22 performing services for a constituent regarding UC
23 matters as that individual or employer's agent. In
24 such cases, reasonable evidence of the request for
25 assistance could be, perhaps, a letter from the

1 individual or an employer requesting assistance of
2 their elected official. Attorneys that assert they've
3 been retained to represent an individual or an
4 employer on a UC matter are also treated as agents of
5 that individual or employer.

6 Therefore, our recommendation on
7 Decision Point 4 is that Commission rules treat
8 confidential UC information as releasable to an agent
9 when informed consent is obtained, including the
10 following allowable disclosures to first: Elected
11 officials performing constituent services upon
12 presentation of a written release or reasonable
13 evidence that the individual or employer has
14 authorized such disclosure, to attorneys retained for
15 purposes related to state UC law, if the attorney
16 asserts that he or she is representing the individual
17 or the employer, and other non-attorney agents, such
18 as an individual's representative or an employer's
19 service agent, provided that required consent is
20 obtained.

21 CHAIR RATH: Are there any questions, or
22 is there a motion?

23 COMM. LEHMAN: I have no questions.

24 COMM. CONGLETON: I have no questions,
25 and I move to approve the staff recommendations that

1 TWC allow the release of confidential UI information
2 to the agent of the claimant or employer with showing
3 of informed consent to the releasing, including
4 written release or reasonable evidence of the elected
5 official, that an individual or employer has requested
6 assistance and authorized disclosure, an attorney's
7 assertion that he represents the individual or
8 employer and the required consent from other
9 non-attorney agents.

10 COMM. LEHMAN: Second.

11 CHAIR RATH: And I agree.

12 MS. PARKER: Thank you.

13 Commission rules have to also address
14 disclosure to third parties that are not an agent.
15 Because of the greater potential threat to employer or
16 individual privacy, posed by an entity's collection,
17 storage, maintenance, use and possible misuse of
18 confidential UC information, DOL believes that
19 additional protections, such as a conditional written
20 release, are necessary for these types of third-party
21 disclosures.

22 The federal rules impose certain
23 requirements upon this category of disclosure,
24 including cost reimbursement, safeguard and security
25 requirements, written and enforceable agreements,

1 maintenance of systems sufficient to allow an audit
2 and imposition of penalties for the misuse of data.
3 TWC has long used such written agreements containing
4 these requirements. And now, because House Bill 2120
5 has added criminal penalties for the unauthorized use
6 of a claimant or employer's identifying information,
7 all the pieces are now in place to ensure that the
8 information will be kept confidential and that
9 unlawful release of such information will be dealt
10 with appropriately.

11 Now, as a practical matter, TWC
12 recognizes that there are significant differences in
13 the risks posed by different non-agent third parties
14 and, as such, has exercised flexibility in developing
15 a range of agreements. For this reason, each written
16 agreement TWC has with non-agent third parties,
17 includes these regulatory requirements of cost
18 reimbursement, safeguard and security measures, audit
19 provisions and penalty language. But they may vary
20 slightly due to different policy considerations based
21 on a risk assessment.

22 Staff proposes to highlight these
23 differences along the risk continuum in the rules.
24 For example, because contractors must deliver or
25 determine eligibility for workforce services at the

1 board level, there are potential risks of unauthorized
2 release. However, each local workforce development
3 board is a quasi governmental body designated by law
4 to oversee and administer such service delivery and
5 eligibility determinations.

6 Staff recommends the rule permit release
7 of otherwise confidential employer and claimant
8 information to Texas Workforce Solution contractors
9 and board contractors for the administration of
10 workforce programs, as appropriate, pursuant to a
11 written agreement containing the safeguards that are
12 identified in 20 CFR 603.9 and 603.10 recognizing the
13 important role that boards play in protecting and
14 administering this information.

15 CHAIR RATH: Thank you.

16 Any questions on Decision Point 5?

17 COMM. LEHMAN: None.

18 COMM. CONGLETON: No questions.

19 CHAIR RATH: Is there a motion?

20 COMM. CONGLETON: Move that we approve
21 staff -- staff recommendations of TWC rules to permit
22 release of otherwise confidential UI information to
23 the Texas Workforce Solutions and board contractors
24 for administration of workforce programs pursuant to
25 the written enforceable agreement that has the

1 safeguards, including cost reimbursements, security
2 requirements, penalties for misuse and other
3 information and monitoring our auditing systems.

4 COMM. LEHMAN: Second.

5 CHAIR RATH: And I agree.

6 MS. PARKER: Thank you.

7 Similarly, staff recommends that the
8 Commission rules permit release of otherwise
9 confidential employer and claimant information to
10 non-public contractors of federal, state and local
11 entities but only on an individualized basis. Under
12 the regulations, the Commission must ensure that all
13 costs are recovered up front.

14 The risk assessment analysis will vary
15 from contractor to contractor, given that each
16 contractor has business-specific practices and
17 different uses of the confidential UC information.
18 Accordingly, staffs' evaluation will ensure that
19 recoupment of cost is tailored to those particular
20 circumstances.

21 CHAIR RATH: Any questions, or is there
22 a motion?

23 COMM. LEHMAN: No questions.

24 COMM. CONGLETON: No questions.

25 COMM. LEHMAN: And move to accept the

1 recommendations for Decision Point 6.

2 COMM. CONGLETON: Agree.

3 CHAIR RATH: And I also agree. So, we
4 will permit release of otherwise confidential
5 information to non-public contractors on an
6 individualized basis recouping all the costs and
7 making sure that confidentiality is maintained
8 appropriately.

9 MS. PARKER: Yes, ma'am.

10 On Decision Point 7 staff suggests that
11 because releases to non-agent third parties are not
12 statutorily mandated, such releases should be the most
13 highly scrutinized. Staff recommends continuing this
14 Commission's current practice of allowing non-agent
15 third parties access to confidential UC records only
16 on a strict case-by-case basis and not on an ongoing
17 or, in particular, electronic on-line basis.

18 In each instance, as a comprehensive
19 written agreement is developed, the costs of
20 monitoring compliance and the risks of improper use
21 must be fully evaluated and built into the agreement,
22 as well as completely recovered up front.

23 CHAIR RATH: Any questions, or is there
24 a motion?

25 COMM. LEHMAN: I have no questions.

1 COMM. CONGLETON: No questions. Move to
2 approve the staff recommendations to continue TWC's
3 current practice of allowing non-agent third parties
4 access to confidential UI records only on a strict
5 case-by-case basis that evaluates the risk of improper
6 use. Any written agreement should provide full
7 recovery of costs up front and monitoring of -- for
8 security compliance.

9 COMM. LEHMAN: Second.

10 CHAIR RATH: And I agree. Thank you.

11 MS. PARKER: Thank you.

12 Shifting gears now, the final issue
13 related to the UI confidentiality rules concerns
14 implementation of the Gutierrez settlement, which
15 requires the Commission to provide, and I quote,
16 "relevant separation and timeliness information in the
17 Commission's custody as a matter of routine to both
18 parties, the claimant and the employer, with the
19 notice of hearing it currently sends out," end quote.

20 But at the same time, Section 207.046(b)
21 of the Labor Code provides that, quote, "except as
22 provided by law, evidence that an individual left the
23 workplace to allowed avoid family violence or
24 stalking, may not be disclosed to any person without
25 the affected claimant's consent." Staff believes that

1 these two legal standards can be reconciled by putting
2 the Gutierrez settlement into Commission rule, thereby
3 with the phrase "provided by law," the confidential
4 identifying UC information must be shared as a part of
5 a hearing between those parties.

6 CHAIR RATH: Are there any questions, or
7 is there a motion?

8 COMM. LEHMAN: I have no questions.

9 COMM. CONGLETON: No questions. Move to
10 approve the staff recommendations to adopt the rules
11 specifically allowing sharing of UI information to
12 other parties to UI hearings as required by the
13 settlement of agreement in the Gutierrez case.

14 MS. PARKER: Thank you.

15 COMM. LEHMAN: Second.

16 CHAIR RATH: And I also agree. Thank
17 y'all.

18 This was a very complex and detailed
19 concept paper, before we even get to the rule. And I
20 really appreciate the work that I know everyone within
21 the agency and our offices has done on it.

22 So, what is your estimated timeline?

23 MS. PARKER: As you know, the federal
24 rules became effective October 27th, '06 with state
25 rules needing to be implemented within two years,

1 which would mean October 27th of this year. Staff is
2 on track in developing the rules.

3 We should have those implemented
4 according to our timelines by the beginning of
5 October. So, we have a little bit of cushion there
6 prior to the actual federal deadline.

7 CHAIR RATH: So, when do you anticipate
8 bringing the draft rule back to us?

9 MS. PARKER: I believe we are --

10 MR. ROSS: We're scheduled for the
11 beginning of April to bring the proposed rules back to
12 you-all.

13 CHAIR RATH: Okay. Very good. Thank
14 you.

15 Any questions?

16 COMM. LEHMAN: None.

17 COMM. CONGLETON: No questions.

18 CHAIR RATH: Great.

19 MS. PARKER: Thank you.

20 CHAIR RATH: Thank you very much.

21 AGENDA ITEM NO. 9

22 CHAIR RATH: Next, we have before us
23 Workforce Board Nominees to consider, and we have
24 nominees from Concho Valley, Deep East, North Texas
25 and South Plains. Are there any questions, or is

1 there a motion?

2 COMM. LEHMAN: I have no questions.

3 COMM. CONGLETON: I have no questions,
4 and I move to approve the nominees from Concho Valley,
5 Deep East Texas, North Texas and South Plains as
6 presented by staff.

7 COMM. LEHMAN: Agree.

8 CHAIR RATH: Okay. And I agree, except
9 I'm going to abstain on South Plains' No. 3, because
10 the individual has no tax numbers and there's a
11 question about employees, and No. 4, because that
12 individual has over 700 employees and has been on the
13 board four years and hasn't used the system yet.

14 So, the nominees, therefore, stand
15 approved with those two having a different vote.
16 Thank you.

17 AGENDA ITEM NO. 10

18 CHAIR RATH: That brings us to staff
19 reports -- oh, I'm sorry, federal and state. Excuse
20 me.

21 (Laughter)

22 CHAIR RATH: I apologize.

23 MR. LEWIS: I'll try to be quick.

24 (Laughter)

25 MR. LEWIS: Good morning, Chair Rath,

1 Commissioners; Jesse Lewis, External Relations.

2 House leaders in the White House reached
3 an agreement on 150 billion economic stimulus package,
4 which the House plans to bring to the floor today.
5 The centerpiece of the package is more than a hundred
6 million -- a hundred billion dollars that would come
7 in the form of tax rebate checks of up to \$600 for
8 individuals and a hundred -- \$1200 for couples.

9 The remainder of the tax cuts are aimed
10 at encouraging businesses to increase their
11 investments and new equipment by the end of 2008. The
12 proposal does not include the extension of
13 unemployment benefits.

14 Depending on the performance of the
15 economy, congressional leaders say they may come back
16 later in the year for an additional stimulus package
17 that would include spending on infrastructure, aid to
18 states and unemployment insurance extension. Of
19 course, this all comes on the heels of the fed's
20 reduction of -- of three quarters of a point,
21 reduction in the interest rate.

22 The House, as I mentioned, will be
23 taking it up today. And Senate is also looking at the
24 stimulus package and was not quite -- did not agree
25 with the White House. There is some idea that they

1 may put back in the unemployment insurance extension,
2 as well as the additional \$50 benefit per week.

3 Senator Kennedy, Chairman of the Health,
4 Education, Labor and Pensions Committee introduced
5 legislation to extend unemployment compensation
6 benefits. The bill does -- extends and expands
7 benefits. It provides 20 more weeks of benefits to
8 eligible workers with an additional 13 weeks in states
9 with high unemployment.

10 Benefits would be temporarily increased
11 by \$50 a week and eligibility for the extension would
12 last for one year. It covers recent exhaustees and
13 provides benefits to unemployed workers who exhausted
14 their regular benefits. The costs of these benefits
15 would be paid by the federal government from the
16 federal unemployment Trust Fund.

17 I -- and that brings me to the close, if
18 you have any questions.

19 CHAIR RATH: Any questions?

20 COMM. LEHMAN: Just one. I want to be
21 really clear on this.

22 MR. LEWIS: Yes, sir?

23 COMM. LEHMAN: The extended benefits, a
24 hundred percent would be covered by the Trust Fund?

25 MR. LEWIS: That's the way the bill

1 reads, yes, sir.

2 COMM. LEHMAN: Okay. Thanks.

3 CHAIR RATH: Any questions?

4 COMM. CONGLETON: No questions.

5 MR. LEWIS: Thank you.

6 CHAIR RATH: Thank you very much.

7 AGENDA ITEM NO. 11

8 CHAIR RATH: Okay. Mr. Temple.

9 MR. TEMPLE: Two staff reports. The
10 first one, Jan Thomas is going to give you a follow-up
11 on the agency's Wellness Program.

12 MS. THOMAS: Good morning, Chair Rath,
13 Commissioners. For the record, I'm Jan Thomas,
14 Director of HR Management and Staff Development, and
15 I'm here to give a staff report on House Bill 1297 and
16 TWC's Wellness Program.

17 In the way of background, House Bill
18 1297 established a worksite wellness advisory board.
19 It's a 13-member panel that the HHSC Executive
20 Commissioner will appoint. They expect to make those
21 appointments final sometime in February.

22 The bill also established a statewide
23 wellness coordinator, who will be housed at DSHS. The
24 statewide coordinator will be responsible for
25 designing an outreach campaign to educate state

1 employees and to provide technical support to each
2 state agency's wellness coordinator. DSHS has job
3 posted that position, and they hope to have their
4 selection made next month.

5 And regarding state agencies the bill
6 requires that we designate a wellness coordinator, and
7 this position will be the liaison with the state
8 wellness coordinator at DSHS. The bill also gave us
9 the option to allow each employee 30 minutes during
10 work hours to exercise three times a week and to allow
11 eight hours of additional leave for employees who
12 complete an authorized health risk assessment and a
13 physical examination.

14 TWC has been working on our proposal for
15 the bill. We've been mainly focusing on the new leave
16 options. We've been analyzing the impact of -- versus
17 granting leave -- paid leave versus unpaid leave.

18 We've also been looking at the computer
19 programming changes in CHAPS that would be required,
20 depending upon what approach we take. And our next
21 step is to put our proposal before the TWC Executive
22 Team and to get their input.

23 In coming up with our proposal we have
24 met and talked to staff at DSHS, and also I met with
25 the Wellness staff at the Comptroller's Office. I did

1 want to clarify the Comptroller's Office has not yet
2 implemented the new leave options. This is one of
3 their goals for 2008, and it is at their -- their
4 executive level review stage at this point.

5 And, finally, I -- I want to just
6 mention some of the things that we have done, the TWC
7 Wellness Team, since the implementation of the bill.
8 On October 13th we had the TWC Health and Safety Fair.
9 We had over 25 outside vendors participate.

10 On October 16th and the 24th we had flu
11 shots administered on site for TWC employees and their
12 family members. We had 186 individuals who were
13 served.

14 On December 11th we had two on-site
15 wellness meetings with HeathSelect. The
16 representative went over the preventive screenings
17 that are covered in our benefits program and the new
18 on-line Personal Health Manager System, which allows
19 employees to create personalized fitness and meal
20 plans and ask questions on line to a nurse, dietitian
21 or personal trainer. We had approximately a hundred
22 employees participate in these two meetings.

23 On December 12th, we had the American
24 Lung Association on site to provide free screening for
25 chronic obstructive pulmonary disease. We had 60

1 employees that were screened, 14 of which were
2 referred to a physician for further examination. And
3 we had the quarterly blood drive in December, and free
4 T-shirts were given to donors.

5 Our upcoming activities include
6 distributing a wellness survey to all TWC employees.
7 This will gather input on their interests and need in
8 four categories, including fitness and physical
9 activity, nutrition, smoking cessation and disease
10 prevention.

11 We also will be enhancing the HR
12 Intranet Website to provide more information on health
13 fitness and wellness, and we will be working with our
14 Health and Safety Committee to increase our
15 participation in the Texas Round-Up, which is April
16 26th.

17 And, with that, that concludes my
18 report. I'll be happy to answer any questions.

19 CHAIR RATH: Thank you. Thank you. I
20 really appreciate the summary, because I think that
21 does give us a very good idea of -- of the amount of
22 work that's been done, progress that's being made in
23 compliance.

24 Did I miss it, or did we say who is
25 designated our wellness coordinator?

1 MS. THOMAS: I am the wellness
2 coordinator for the agency.

3 CHAIR RATH: I was assuming that, but I
4 wanted to make sure and get it on the record. So, I
5 appreciate it.

6 Any questions for Ms. Thomas?

7 COMM. LEHMAN: I just would make a
8 couple comments.

9 First, I appreciate the work you're
10 doing and the comprehensiveness with which you're
11 going after this. My observation is that the notices
12 that come out through CHAPS on things like the
13 screening thing and the -- even the blood drives, it
14 appears to me that additional notice would serve us
15 all well. So, I would encourage you to think through,
16 how do you give people more lead time on these
17 particular events so that they can adjust their
18 schedules accordingly.

19 I personally would have loved to have
20 participated in some of those recent things, but I
21 just couldn't in view of the short lead times. So, I
22 would encourage you to think about getting the --
23 the -- the TWC employees more lead time on some of
24 these really important wellness-related events.

25 MS. THOMAS: Okay.

1 COMM. LEHMAN: The other thing that I
2 would stress in support of your efforts and the
3 support of the whole concept, the business community
4 sees the cost of healthcare as a tremendous concern.
5 It has probably been the most fretted about and
6 challenging item to manage for well -- well, at least
7 the last decade, and it appears that it -- the -- the
8 cost continues to spiral upward.

9 Last week I had the good fortune, along
10 with others, to attend a couple of seminars on
11 basically a revisioning of the problems and the
12 challenges and really capturing what problems need to
13 be solved. There's enormous amount of new research
14 going on about how Americans -- America, as a society,
15 just is creating too much disease.

16 And as a result, the cost to manage and
17 treat are just going sky high. So, there are lots of
18 new very insightful reports from various thinktanks
19 and research organizations that really woke up a lot
20 of people in the audiences in which I participated.
21 And I would encourage you to -- and I'll share some
22 more of that with you, but I think there were some
23 things that really, really woke members of the
24 audience up, myself included, about things like risk
25 factors and how directly the correlation of those risk

1 factors are to our future health and well being as
2 individuals and as a society.

3 So, this cannot be overstressed or
4 overemphasized, because our -- our nation -- nation
5 and its ability to compete in a global scale is really
6 at the -- at the core of this, along with the quality
7 of life that we all enjoy and the health that we all
8 seek. So, I commend what you're doing. You have my
9 full support, and if I can be helpful in steering you
10 to additional research or information so that we can
11 share it with the agency and others, I'd be
12 welcomed -- or I'd be happy to do that.

13 MS. THOMAS: Thank you. And -- and I --
14 I do think that that's one of the reasons on the -- on
15 the bill why, in order to get the eight hours of
16 additional leave, if -- if we do that, is -- it is
17 required that a health risk assessment be completed
18 to -- to help people to better understand where their
19 risks are. So --

20 COMM. LEHMAN: Great.

21 CHAIR RATH: Questions?

22 COMM. CONGLETON: I feel better already.
23 Thank you.

24 (Laughter)

25 MS. THOMAS: So do I. Thank you.

1 (Laughter)

2 CHAIR RATH: Very good. Thank you very
3 much. I appreciate it.

4 Mr. Temple.

5 MR. TEMPLE: I am pleased to announce
6 that, in response to TWC staff being able to meet
7 deadlines over the last couple of years that the
8 Commission has asked us to look at looking at
9 alternative policy-related Commission meetings, and
10 that we've come up with a -- a schedule that I believe
11 that takes into account conferences that we know about
12 and three-day weekends and this type of thing. And,
13 with that, February the 5th, we will have a -- we will
14 have a -- a meeting, obviously, on February the 5th,
15 but that will begin our every-other-week schedule for
16 policy.

17 There will still be docket every week,
18 unless the Commissioners decide not to have one. Of
19 course, you would make it up with a double docket
20 later on. But I did want to let you know that the
21 schedule, I think we've circulated it to -- to you and
22 your staff, gotten comments back. And I think we've
23 answered those concerns.

24 So, just let everyone know that it will
25 begin the September -- I mean, February the 5th we'll

1 begin our every other -- ugh.

2 (Laughter)

3 MR. TEMPLE: And -- and I want to thank
4 staff, because -- and I want to go back to Luis and
5 Larry now. Reagan Miller has made a -- a big
6 difference in -- in -- in the -- the majority of the
7 policy coming before you, and I don't know of a
8 deadline that -- that -- that we've missed. If we --
9 if we have, it slipped through it was so rare.

10 And Finance is doing a great job of
11 getting things to us, and we don't have so many of
12 these last minute handouts to you, other than, of
13 course, Mark Hughes. He always has his late --

14 (Laughter)

15 MR. TEMPLE: But the spaghetti chart,
16 you know, it takes a long time to make.

17 But thank y'all. Thank you,
18 Commissioners, for -- for recognizing that we have
19 done a better job.

20 And thank you, Staff, for -- for doing
21 that as well.

22 CHAIR RATH: Thank you. I think we're
23 all looking forward to that, and so we will start
24 every other week for the total Commission business
25 agenda starting February 5th. But every week we'll

1 continue to have a docket for unemployment insurance,
2 payday, and tax as necessary.

3 MR. TEMPLE: And I will add, during the
4 session, we'll certainly have all the legislative
5 things on the -- on the agenda to where we -- and be
6 able to meet then and -- and more regular meetings
7 during the LAR process and budgeting as well.

8 CHAIR RATH: Very good.

9 Any questions of Mr. Temple?

10 COMM. LEHMAN: (Shaking head)

11 COMM. CONGLETON: None. Thank you.

12 CHAIR RATH: Great. Thank you.

13 Okay. Commissioner, do you have
14 anything?

15 COMM. LEHMAN: No, not at this time.

16 CHAIR RATH: Commissioner?

17 COMM. CONGLETON: No.

18 CHAIR RATH: I just -- I have three
19 quick things.

20 I just wanted to, once again, compliment
21 Central Texas for being one of the best employers.
22 They were recognized last Friday, and some of us were
23 there.

24 And I think it's the third time in a
25 row. So, it's a wonderful acknowledgment of -- of

1 their efforts and what they do.

2 I also want to really recognize the
3 Workforce Solutions' Response Team and thank Limus
4 Walker for sharing some information. Sometimes we
5 overlook just extraordinary service that's done in
6 really difficult situations, and his team, I think,
7 really had some great kudos last week from National
8 Semiconductor. So, I wanted to thank them and
9 recognize their efforts.

10 And then I wanted to thank three people
11 individually but also say what a great experience it
12 was. Last week I visited the HAY Transition Center in
13 Houston, and we are expanding that to three additional
14 sites this year to give better service to foster youth
15 who are transitioning out of care.

16 And I had been there about a -- close to
17 a year ago and then have seen the progress they've
18 made and want to really recognize our staff -- Shannon
19 Ramsey, Loretta Robertson and Gena Hernandez -- for
20 their leadership role and also the respect with which
21 they're held by other agencies that are working on
22 this. And if you can meet the kids and see our
23 partners and the tremendous effect it's having on
24 those youth's life, it is very, very reassuring.

25 You know, these are kids for whom the

1 state has been parent, and normally the state doesn't
2 do too good a job at being a parent. And trying to
3 give them a little bit better brake and a little bit
4 better opportunity, I think, is a wonderful first step
5 in helping them with the rest of their lives.

6 So, I wanted to thank my Commissioners
7 and -- and really recognize those three people that
8 are leading it on. So, thank you.

9 AGENDA ITEM NOS. 13 & 14

10 CHAIR RATH: If there's nothing else to
11 come before us, then we will stand adjourned until
12 next week.

13 (Meeting adjourned: 9:54 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
Certified Shorthand Reporter
CSR No. 7076 - Expires 12/31/09
Firm No. 276
Kennedy Reporting Service, Inc.
1801 Lavaca Street, Suite 115
Austin, Texas 78701