

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, MARCH 13, 2007

BE IT REMEMBERED THAT at approximately
9:02 a.m., Tuesday, the 13th day of March 2007, 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 GENE CRUMP, DEPUTY EXECUTIVE
DIRECTOR, of the Texas Workforce Commission; and the
following proceedings were reported by Patricia
Gonzalez, a Certified Shorthand Reporter of:

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P R O C E E D I N G S

TUESDAY, MARCH 14, 2006

(9:02 a.m.)

AGENDA ITEM NO. 1

CHAIR RATH: Okay. We'll go ahead and
get started.

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.

The Commission agreed to the
resubmission of Case Number 890139-2 on a future
docket.

AGENDA ITEM NO. 3

Discussion, Consideration and Possible
Action Regarding Tax Liability Cases Listed on the
Texas Workforce Commission Docket 11.

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

1 11.

2 The Commission considered and took
3 action on all wage claim cases listed on Docket 11.

4 AGENDA ITEM NO. 5

5 Discussion, Consideration and Possible
6 Action Regarding Higher Level Appeals in Unemployment
7 Compensation Cases Listed on the Texas Workforce
8 Commission Docket 11.

9 The Commission considered and took
10 action on all cases listed on Docket 11.

11 (Wage Claim and UI cases were heard from
12 9:02 a.m. to 9:20 a.m.)

13 CHAIR RATH: It's 9:20. We will stand
14 in recess for ten minutes and continue with our agenda
15 at 9:30.

16 (Recess: 9:20 a.m. to 9:30 a.m.)

17 CHAIR RATH: We'll go ahead and come to
18 order.

19 AGENDA ITEM NO. 6

20 CHAIR RATH: Do we have anybody signed
21 up for public comment?

22 MR. BALLARD: No, we don't.

23 CHAIR RATH: Thank you.

24 And, welcome, Mr. Crump. We appreciate
25 your being here today.

1 AGENDA ITEM NO. 7

2 CHAIR RATH: And the first item we have
3 is the Local Board planning process.

4 Ms. Carlson.

5 MS. CARLSON: Good morning, Chair Rath,
6 Commissioner Lehman, Commissioner Congleton. Debbie
7 Carlson with the Workforce Division. This morning,
8 I'd like to provide you with an update on the Local
9 Board planning process.

10 Through our WIA and Wagner-Peyser State
11 Plan, the Commission established the framework for the
12 state workforce system that guides workforce
13 development at the local level. You established
14 strategies such as promoting the workforce system as a
15 market-driven approach to service delivery, forming
16 state and regional partnerships in support of the
17 Governor's Industry Cluster Initiative, targeting
18 training resources to business and industries
19 associated with the Governor's Clusters, high-demand
20 occupations, emerging occupations or those that have
21 significant impact on the local economy and
22 emphasizing regional planning. This framework is
23 transmitted to the local level through the guidelines
24 for preparation at the Board plans.

25 The planning process we're discussing

1 today is in regard to the second year of a two-year
2 plan. Since this is a modification, the Boards are
3 not required to develop a new plan, but they are
4 required to update any information that has become out
5 of date and respond to any new directions established
6 by the Commission.

7 Based on the guidance we've heard from
8 you, Boards are expected to increase meaningful
9 contact with employers as well as enhance the
10 connection to economic development organizations and
11 industry associations in order to determine the
12 projected level of demand for skilled workers and
13 high-priority occupations, identify transferable
14 skills possessed by workers in declining occupations
15 for the purpose of placement with other local
16 employers or retraining in another occupation with a
17 significant impact on the regional economy, serving
18 employers by developing solutions in response to their
19 employer's staffing plans and update the status of
20 programs and service delivery strategies in their
21 plans.

22 In addition, Boards are going to be
23 asked for a brief discussion of their model for
24 operations, including procurement and staffing plans
25 at both the Board and the contractor level.

1 As you will recall, at the November 15th
2 public meeting, you directed those Boards that have
3 single-county workforce areas to develop regional
4 plans with the other Boards in their region. Those
5 areas were Dallas County, Tarrant County and North
6 Central, Capital Area and Rural Capital and Cameron
7 County and Lower Rio Grande area. These three regions
8 will be required to submit a regional plan as an
9 appendix to their Local Board plan. They will be
10 expected to build off their local plans, adopt a
11 regional focus for connecting with employers, share
12 their labor market analyses, develop a regional
13 mission, goals and objectives, and examine program
14 activities to align training programs and potential
15 programs consolidation opportunities. We believe this
16 will target resources where they will have the
17 greatest impact, maximize resources available and
18 eliminate duplication.

19 Final planning guidelines will be
20 distributed to the Boards this month and the plans
21 will be due on July 6th. In late August, the plan
22 modifications will come before the Commission for
23 approval. The approved plan modifications will be
24 submitted to the Texas Workforce Investment Council
25 for consideration at their September meeting for

1 recommendation to the Governor. For those regions
2 that must submit a regional plan, we propose giving
3 them more time to develop the regional plans and that
4 those regional plans be submitted as an appendix to
5 their local plan and be due to TWC by October 5th.

6 And at this time, I'll be happy to
7 answer any questions you may have.

8 CHAIR RATH: Thank you. I have just a
9 couple of comments.

10 The first is: I've had feedback from
11 several Boards, very supportive of regional planning.
12 In fact, several of them said that they didn't think
13 our requirements went far enough and that it should be
14 more comprehensive or more directive as to the
15 planning. So I think this is certainly an appropriate
16 first step.

17 And my only concern is making sure that
18 we have enough time between August 28th and September
19 7th for TWIC, because if we miss that date, we're sort
20 of down the tubes. So I just want to make sure that
21 we're all comfortable that there is no -- there's no
22 room for slack in that schedule the way I read it.

23 MS. CARLSON: Yes, ma'am. I understand
24 your concern. And certainly what we can try to do is
25 to try and expedite the plan review process and

1 possibly come back to the Commission to try to come
2 back the meeting prior to August the 28th to give us
3 an extra week cushion just in case something
4 unforeseeable happens.

5 CHAIR RATH: Because we usually have a
6 straggler or two, and I'm just a little concerned that
7 we don't have any room for stragglers.

8 MS. CARLSON: Yes, ma'am.

9 CHAIR RATH: Thank you.

10 COMM. LEHMAN: I have no questions. I
11 think you've captured well what we want to do. I
12 think it is important also to stress that while we're
13 expecting these three regions to do regional planning,
14 we certainly welcome any Board area that wants to do
15 regional planning. So I would encourage all of them
16 going forward in some way to enhance their regional
17 perspectives.

18 I also wonder -- I recognize the
19 timetable is critical. I'm wondering about the extra
20 time for the regional planning because -- I guess I'm
21 of the opinion that these folks -- this is not new
22 news to them and I really wonder if they actually need
23 the extra time. And to the degree we could encourage
24 them not to take it, we could have a full complement
25 of plans submitted to TWIC.

1 MS. CARLSON: That's a good suggestion.
2 We could certainly approach it that way to try to
3 encourage those Boards that have to do regional plans
4 to go ahead and submit that with their local plan if
5 they can, but we were trying to allow for the
6 possibility that -- because they would need to get
7 Board approval and then you've got multiple Boards
8 involved and when the Board meetings are scheduled, we
9 were trying to give them a little bit of more time in
10 order to manage that, but we could certainly encourage
11 them to get those in with the local plan if at all
12 possible.

13 COMM. LEHMAN: Well, I think the goal
14 ought to be "Let's do it all at once." Certainly if
15 somebody runs into major problems, I guess the extra
16 time is acceptable to me.

17 CHAIR RATH: Makes sense.

18 COMM. CONGLETON: I, too, support your
19 regional planning, but I would ask you to ask the
20 Boards to engage in dialogue with any organized
21 laborer in their area that provides skill training.

22 MS. CARLSON: Yes, sir. Could do that.

23 COMM. CONGLETON: Thank you.

24 CHAIR RATH: Good point.

25 Okay. If there's no other questions, is

1 there a motion before us to approve this planning
2 process as discussed today?

3 COMM. LEHMAN: So made.

4 COMM. CONGLETON: Second.

5 CHAIR RATH: And I agree.

6 Thank you very much.

7 AGENDA ITEM NO. 8

8 CHAIR RATH: Next we have Workforce
9 Board nominees from Concho Valley, Coastal Bend, Deep
10 East Texas and North Texas. Are there any questions
11 or is there a motion?

12 COMM. CONGLETON: Move to approve the
13 nominees from Concho Valley, Coastal Bend, Deep East
14 Texas and North Texas as presented by staff.

15 COMM. LEHMAN: Second.

16 CHAIR RATH: And I agree.

17 And I want to commend Coastal Bend
18 because their demographics are much better and it's
19 been a long time; so I'm very pleased to see that. So
20 congratulations.

21 AGENDA ITEM NOS. 9 AND 10

22 CHAIR RATH: Tom McCarty, anything on
23 legislative, federal or state issues?

24 MR. McCARTY: Yes, ma'am. Good morning,
25 Chair Rath, Commissioners. Tom McCarty, Governmental

1 Relations.

2 Congress, this week, is focusing on the
3 supplemental spending bill in the committees. We
4 anticipate that this bill will be up next week on the
5 Floor for Congress' consideration.

6 In Austin, there are a couple of
7 hearings to make note of today. The Senate Health and
8 Human Services Committee is hearing Senate Bill 206
9 which is Senator Nelson's criminal history checks for
10 certain providers of subsidized child care. And then
11 tomorrow, in the House Economic Development Committee,
12 they will take up Chairman Deshotel's House Bill 2029,
13 which is the block grant funding bill, and House Bill
14 2185 by Chairman Woolley, which is the State Auditor's
15 recommendation for reimbursements to the UI fund.

16 We anticipate that the last employing
17 unit bill and possibly the bond bill will be voted out
18 of committee tomorrow. We'll follow up with your
19 offices if that should occur.

20 And I'm happy to answer any questions
21 you may have.

22 CHAIR RATH: I just want to say I really
23 appreciate the information that you're sharing with us
24 and the Austin update is very helpful. So thank you
25 very much.

1 MR. McCARTY: Yes, ma'am.

2 CHAIR RATH: Any questions?

3 COMM. LEHMAN: None.

4 CHAIR RATH: Mr. McCarty, questions?

5 COMM. CONGLETON: I echo the Chair's.

6 And I think I've told you that we -- how

7 much we appreciate that. And thank you.

8 MR. McCARTY: Great. Thank you.

9 CHAIR RATH: Good. Thank you.

10 AGENDA ITEM NO. 11

11 CHAIR RATH: Anything on our

12 Appropriations Request?

13 MR. CRUMP: Nothing this week.

14 AGENDA ITEM NO. 12

15 CHAIR RATH: Okay. Katrina or Rita, I

16 don't think we have anything.

17 AGENDA ITEM NO. 13

18 CHAIR RATH: State Data Center?

19 MR. CRUMP: Again, nothing this week.

20 AGENDA ITEM NO. 14

21 CHAIR RATH: Okay. And that brings up

22 to staff reports.

23 Mr. Crump.

24 MR. CRUMP: Thank you, Chair Rath.

25 Commissioners, we have two staff reports

1 today. The first staff report will be by Patrick
2 Bouquet, and he'll update the Commission on the UI
3 debit card implementation, along with Ms. Lenzy.

4 CHAIR RATH: I was going to say "ably
5 assisted by."

6 (Laughter)

7 MS. LENZY: Thank you-all.

8 Good morning, Commissioners and
9 Mr. Crump.

10 As you know, a contract has been awarded
11 to provide unemployment benefits via debit card.
12 Debit cards with the VISA logo will provide a more
13 convenient payment method for our claimant population
14 and will be much more convenient than paper checks.

15 Staff in the various Divisions, as well
16 as working with our vendor, have been working very
17 hard to get this feature rolled out. We're very
18 excited about the new benefit for our customer. We're
19 on target to roll out the first phase April the 26th.

20 And I asked for our project manager,
21 Patrick Bouquet, to come and give us a brief update on
22 where we are and how we're doing.

23 Patrick.

24 MR. BOUQUET: Good morning,
25 Commissioners. It's a pleasure to be here --

1 CHAIR RATH: Is your button pushed?

2 (Brief Pause)

3 MR. BOUQUET: Good morning,
4 Commissioners. My name is Patrick Bouquet and I'm the
5 project manager for the UI Debit Card Project. It's a
6 pleasure to be before you this morning to give you an
7 update.

8 As Ms. Lenzy said, we are on schedule.
9 Our initial rollout for April 26th, in 44 days, for
10 the Alamo Workforce Board is on schedule. We're going
11 to begin mailing notices to all UI recipients in the
12 warrants beginning on April 2nd to let them know that
13 this program, this change in the way that we deliver
14 benefits, is going to be coming.

15 Our statewide announcement will mail,
16 again, starting April 2nd and continue through our
17 final implementation which is scheduled for June 11th,
18 which is only 90 days from today. So we have a very
19 aggressive implementation schedule.

20 With that, I'll be happy to answer any
21 questions that you may have.

22 CHAIR RATH: I just want to thank
23 everybody on the work done. And I think it was
24 validated with a recent report that was released -- I
25 think last week or so, by IBM in conjunction with a

1 couple of universities who really looked at the
2 response on a wide range of issues to Katrina, and it
3 really emphasized the necessity of a debit card across
4 many, many different programs, but I did remark upon
5 how Louisiana had to quickly use one for UI and I
6 really want to commend the Agency again because the
7 same report was very complimentary of TWC's efforts in
8 assisting Louisiana and really was profiled as a best
9 practice. So the work that everyone did, you know, is
10 continuing to be recognized; so I think that what
11 we're doing with the UI certainly is consistent with
12 the recommendations in that report. And I think on a
13 wide range of issues it's interesting to look at what
14 their profiling in either what we already have done or
15 what we are doing.

16 MS. LENZY: Thank you. Thank you very
17 much.

18 COMM. LEHMAN: I have no questions.
19 Thank you.

20 COMM. CONGLETON: Thank you.

21 MS. LENZY: And we'll keep you abreast
22 as we go along.

23 CHAIR RATH: Thank you.

24 MR. CRUMP: Commissioners, our second
25 staff report will be provided by Ms. Nicole Verver on

1 the Noncustodial Parent Choices Program.

2 CHAIR RATH: And I want to recognize,
3 before you start, Michael Hayes from the Office of
4 Attorney General.

5 Thank you for being here. You've done
6 so much work with fragile families and leading the
7 Attorney General on this effort; so I really
8 appreciate your being here and would invite you -- if
9 you have any comments to make after Ms. Verver, we'd
10 love to have it.

11 Thanks.

12 MS. VERVER: Good morning, Chair Rath,
13 Commissioners. Nicole Verver, workforce Development.

14 This morning, I wanted to provide you
15 with an update on the Noncustodial Parent NCP Choices
16 Demonstration Project and the results of the findings
17 of the project. As you may recall, the NCP Choices
18 initiative is a joint effort between the Texas Office
19 of Attorney General, the Texas Workforce Commission
20 and the Local 4D Courts. The project targets
21 low-income, underemployed, unemployed noncustodial
22 parents with --

23 CHAIR RATH: Could I interrupt you?

24 MS. VERVER: Uh-huh.

25 CHAIR RATH: Would you just do one

1 thing?

2 MS. VERVER: Yes, ma'am.

3 CHAIR RATH: For our listening audience
4 that might not be as aware, would you just explain
5 what the 4D Courts are? Some of our partners are not
6 as familiar.

7 MS. VERVER: Yes, ma'am.

8 The 4D Courts are the child support
9 Courts that a noncustodial parent who's behind in
10 their child support come in front of and they set
11 hearings and try and get the noncustodial parent to
12 actually pay their child support. And, specifically,
13 this project targets the underemployed or unemployed,
14 low-income noncustodial parents with unpaid child
15 support orders and whose children are from -- former
16 or current recipients of public assistance. The goal
17 is to help the NCP gain employment so that they better
18 can meet the financial obligations of their children.
19 They're ordered by the local Courts to either
20 participate in workforce services willingly or go to
21 jail, and that's an order by a local Court.

22 The preliminary announcements by
23 researchers at the Ray Marshall Center at The
24 University of Texas at Austin has shown the following
25 results: NCPs ordered into the program payed their

1 child support more often and paid it -- paid more of
2 it, 60 percent -- or \$60 more a month when compared to
3 the control group. In addition, we've collected a
4 total of \$1 million in child support over the course
5 of a year. The NCPs were also more consistent of
6 paying their child support over a course of time, over
7 a longer period of time. And, in addition, they
8 participated in workforce services at a 95 percent
9 level compared to the comparison group.

10 The NCP Choices participants are
11 entering employment at a rate of 60 percent.
12 Previously, NCP employment projects in other states
13 have an employment rate of 30 percent; so it's almost
14 doubled. And, finally, the custodial parent
15 associated with the NCP Choices participant was
16 10 percent less likely to rely on TANF than the
17 control group.

18 In short, we feel the project has been
19 highly successful in getting NCPs to enter employment
20 and also increasing child support payments.

21 At this time, I'll be glad to answer any
22 questions.

23 CHAIR RATH: Any questions for
24 Ms. Verver?

25 COMM. LEHMAN: No. I don't think so.

1 COMM. CONGLETON: No questions.

2 CHAIR RATH: With that, Mr. Hayes, we'd
3 love to hear your thoughts.

4 MR. HAYES: Thank you, Chair Rath,
5 Commissioners.

6 I just --

7 CHAIR RATH: If you can identify
8 yourself for the record.

9 MR. HAYES: Michael Hayes, Texas
10 Attorney General's Office.

11 I want to express our appreciation for
12 the partnership that we have with TWC on this project.
13 You know, in a day when people often complain about
14 the silos of state government and different agencies
15 not cooperating with each other, I think this is one
16 of those shiny examples of collaboration across state
17 agency boundaries, in a sense, with the -- the fact
18 that we have these common partners or common customers
19 in our programs.

20 And I think Nicole, maybe, was a little
21 too modest in talking about the outcomes of this
22 project, in that when she talked about the increase in
23 child support, it's about a 60 percent increase over a
24 control group, and the fact that we're collecting over
25 \$120,000 a month in child support from about 900

1 fathers.

2 This is the case load that is the
3 absolute hardest for our child support offices to do
4 enforcement with. They clog up the Courts the most
5 frequently. They're most frequently the guys who are
6 in jail costing us additional taxpayer dollars, and so
7 this has provided an alternative that everybody is
8 winning, the families, the Courts, your agency, our
9 agency. And so thank you very much for your support
10 in this.

11 CHAIR RATH: Thank you. I appreciate
12 it. I think it's a great partnership and I appreciate
13 your comments.

14 And I think that when we look at the
15 financial results, that's very rewarding, but
16 hopefully having the noncustodial parent being current
17 or at least involved with their financial obligations
18 will really lead to their being involved in the
19 child's life. And the long-term results of that are
20 where the significant changes and benefits will come,
21 in addition to the financial part, but really having
22 that father's presence and helping to decrease the
23 adversarial relationship between the parents will
24 certainly serve the children much better in the long
25 run.

1 MR. HAYES: Yeah. Thank you, Chair
2 Rath.

3 In fact, if I could, just a little
4 anecdote that builds upon that, our El Paso site, one
5 of the fathers out there who hadn't paid for about
6 nine months, he made two payments and he said to the
7 child support staff, "Well, now that I've done this, I
8 think I can really" -- "you know, I'm man enough to
9 see my kids. I've got this right now, almost, to see
10 my kids." And so that does resonate with their --
11 most fathers have this sense that that's one of the
12 roles they're supposed to play, is financially --
13 being financially responsible, and when they don't do
14 that, they start to distance themselves. And so I
15 echo that comment of yours.

16 CHAIR RATH: Very good. Thank you.

17 Any other questions?

18 COMM. LEHMAN: None. Thank you.

19 COMM. CONGLETON: No. Thank you.

20 CHAIR RATH: Very good. Thanks.

21 Anything else?

22 MR. CRUMP: No, Commissioners. Nothing
23 else for today.

24 CHAIR RATH: Thank you.

25 Do you have anything, Commissioner?

1 COMM. LEHMAN: I have a request of
2 staff. In the spirit of a possible collaboration with
3 the Controller's Office or perhaps a cost avoidance --
4 could be both, I suppose -- I need a one- to two-page
5 overview that I'd like to have -- that I'd like to
6 receive and also have my colleagues receive of Sites
7 on Texas along with a staff briefing on such things as
8 the status of it, the usage in the field and TWC and
9 the outlook for the future.

10 And the reason for asking is I know that
11 it is a tool that many of us will find very valuable.
12 I need to verify that it is being used well and that
13 it is adding value. And, secondly, the Controller's
14 Office made an observation that they were going to
15 implement a tool like this for economic development
16 purposes and I thought it might behoove us to be
17 useful in either helping them arrive at the best tool
18 that we can collaborate on or take advantage of the
19 tool we already have in place and avoid that cost. So
20 that's what I'm looking for.

21 MR. CRUMP: Yes, sir. We'll take
22 action.

23 COMM. LEHMAN: Thank you.

24 CHAIR RATH: Okay. Do you have
25 anything?

1 COMM. CONGLETON: No. I have nothing.

2 Thank you.

3 CHAIR RATH: And I have nothing.

4 And I agree with you and I'm glad that
5 you asked that. And perhaps even just an update --
6 not in the depth of your briefing, but just an update
7 on Sites in Texas, the commissioning, the statistics
8 you indicated would be helpful.

9 COMM. LEHMAN: Right. Yeah.

10 CHAIR RATH: But I agree that it does
11 seem like a terrible duplication with at least Sites
12 in Texas being a phenomenal foundation upon which they
13 might want to build, if necessary.

14 COMM. LEHMAN: And certainly if there's
15 something missing that we could perhaps add, we ought
16 to do that rather than invent another tool.

17 And, yes, I'm -- I probably wasn't
18 clear. A one- to two-page document would be good, but
19 a briefing, publicly --

20 MR. CRUMP: Yes, sir.

21 COMM. LEHMAN: -- would be good as well.

22 MR. CRUMP: Correct.

23 CHAIR RATH: Very good.

24 COMM. LEHMAN: Thank you.

25 CHAIR RATH: Thank you.

1 Anything else?

2 COMM. CONGLETON: Nothing from me.

3 CHAIR RATH: If there's nothing else,
4 it's 9:50 -- and I just want to tell all of our
5 listening audience -- next week we change. Right?

6 (No verbal response)

7 CHAIR RATH: Okay. Starting with our
8 next meeting, we are going to begin the continuation
9 of our agenda that now has been at 9:30 time certain
10 after we conclude our UI docket. So the agendas that
11 are posted will indicate if it's a single docket or a
12 double. And normally a single docket takes about 15,
13 20 minutes and a double docket about 30, 35 minutes.
14 So it will not be time certain at 9:30, but we will be
15 broadcasting once we get to that point in our posted
16 agenda. So probably tune in -- like 9:15 would be,
17 probably, a safer assumption, just for everyone's
18 information.

19 AGENDA ITEM NO. 17

20 Thank you. And if there's nothing else,
21 we stand adjourned.

22 (Proceedings concluded at 9:50 a.m.)

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25

1 C E R T I F I C A T E

2

3 STATE OF TEXAS)

4 COUNTY OF TRAVIS)

5

6 I, Patricia Gonzalez, a Certified
7 Shorthand Reporter in and for the State of Texas, do
8 hereby certify that the above-mentioned matter
9 occurred as hereinbefore set out.

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand and seal this 20th day of March 2007.

17

18

19 _____
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