

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
TEXAS WORKFORCE COMMISSION  
AUSTIN, TEXAS

PUBLIC MEETING            )  
FOR THE TEXAS            )  
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, MAY 22, 2007

BE IT REMEMBERED THAT at approximately  
9:00 a.m., Tuesday, the 22nd day of May 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 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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1 P R O C E E D I N G S

2 TUESDAY, MARY 22, 2007

3 (9:00 a.m.)

4 AGENDA ITEM NO. 1

5 CHAIR RATH: Okay. We'll go ahead and  
6 come to order, and I think we have Tax Cases first.

7 Good morning.

8 AGENDA ITEM NO. 2

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

16 AGENDA ITEM NO. 3

17 Discussion, Consideration and Possible  
18 Action Regarding Tax Liability Cases Listed on the  
19 Texas Workforce Commission Docket 21

20 The Commission considered and took  
21 action on all tax liability cases listed on Docket 21.

22 AGENDA ITEM NO. 4

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

1 Docket 21

2 The Commission considered and took action on  
3 all Wage Claim Cases listed on Docket 21.

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 21

9 The Commission considered and took  
10 action on all Unemployment Compensation Cases listed  
11 on Docket 21.

12 CHAIR RATH: Okay. It's 9:13, and we're  
13 going to pause just a minute to bring us up and then  
14 we'll continue with the remainder of our agenda.

15 (The Commission paused and continued  
16 with the remainder of the agenda)

17 CHAIR RATH: Okay. We'll go ahead and  
18 continue with our agenda.

19 AGENDA ITEM NO. 6

20 CHAIR RATH: Is there anyone signed up  
21 for public comment?

22 MR. BALLARD: No, there is not.

23 CHAIR RATH: Okay.

24 And I think if all of us could join  
25 together for a moment and offer prayers for Dick

1 Dillard. Many of you might have heard that he was  
2 stricken with a heart attack and is in extraordinarily  
3 critical condition as we speak. So, if we can  
4 remember him for a moment.

5 (Brief pause)

6 CHAIR RATH: Thank you. And if we can  
7 keep him in our prayers during the day today.

8 AGENDA ITEM NO. 7

9 CHAIR RATH: Next, we have the adoption  
10 of rules regarding Child Care Services. We're going  
11 to defer consideration of that until possibly next  
12 week until we see what happens, what final action  
13 occurs or disposition occurs with SB 206.

14 AGENDA ITEM NO. 8

15 CHAIR RATH: That brings us to FY '07,  
16 transportation funding for Choices.

17 Good morning.

18 MR. GARCIA: Good morning, Chair Rath,  
19 Commissioners; Juan Garcia with Contract Management.

20 You have before you for your  
21 consideration staff recommendations to distribute  
22 additional TxDOT funds amounting to \$865,000 to a  
23 certain number of boards to support Choices  
24 transportation. That chart you have before you  
25 indicates those boards and their associated amounts.

1 Expenditures through March indicate that these boards  
2 would be able to fully expend these additional funds.

3           So, at this time staff is recommending  
4 approval of -- of the recommendations.

5           CHAIR RATH: Thank you. And -- and just  
6 to summarize the boards that would be getting  
7 additional funds would be South Plains at 52,000,  
8 Dallas at 500,000, East Texas at 28,645, Concho at 8-,  
9 Rural Capital at 90-, Deep East at 50-, Golden  
10 Crescent at 30-, Cameron at 17,355, Central at 5-,  
11 and Middle Rio at 75-. Correct?

12           MR. GARCIA: Yes, ma'am.

13           CHAIR RATH: Okay. Very good.

14           Could you -- because I know that we have  
15 some boards that are in critical need of additional  
16 funds and that other boards just aren't spending the  
17 money. I know y'all have been working very closely  
18 with the boards.

19           Can you share with us a little bit the  
20 feedback, if there was any misunderstanding, how the  
21 boards that haven't been spending money, if they think  
22 they're going to be able to expend or sort of give us  
23 a high-level status report?

24           MR. GARCIA: Yeah, we think that the --  
25 the board that is -- obviously has the -- the

1 largest -- the biggest challenge is Gulf Coast. And  
2 we -- we have spoken to them, and they are projecting  
3 that they will not be able to expend all of their  
4 funds this year. Last year Gulf Coast ended expending  
5 17 percent of their -- of their contracted funds.

6                   Through March they were at 21 percent  
7 this year, so it's -- that -- that's a little bit of  
8 progress. But they are struggling with expending the  
9 funds. They are providing services, but we -- we --  
10 we think that they're just inexpensive.

11                   And so the -- they're telling us that  
12 they are projecting lapsing at the minimum \$500,000.  
13 We -- we're talking to the rest of the boards that are  
14 low expending as well and working with them in -- in  
15 any way that we can, but at this point a combination  
16 of declining caseloads is impacting their ability to  
17 really increase services and -- and expand the  
18 dollars.

19                   CHAIR RATH: Okay. So, for many of the  
20 boards who aren't expending them, it's because so many  
21 of their caseloads have fallen where they don't have  
22 demand, except for Gulf Coast. Let me go back on one  
23 question with Gulf Coast, because you said they are  
24 providing the services. So, are they providing the  
25 services and paying for it with these funds, or are

1 they providing the services and paying for it with  
2 another source?

3 MR. GARCIA: No. We -- we have looked  
4 at all these boards, and they are expending services  
5 from these contracts, yeah.

6 CHAIR RATH: Great. Thank you very  
7 much.

8 Any questions?

9 COMM. LEHMAN: No, not really. I guess  
10 I was just generally inquisitive as to, are there any  
11 other structural or operational barriers that are  
12 restricting their ability to spend the money? Is  
13 there something getting in the way, is --

14 MR. GARCIA: At -- at this point we  
15 don't have that indication, but we'll -- we'll  
16 certainly continue to ask those questions and --  
17 and -- and get -- get some answers.

18 COMM. LEHMAN: Okay. Thank you.

19 MR. TEMPLE: Commissioners, we'll --  
20 we'll also look to see what the policies are, because  
21 there's a lot of flexibility if someone leaves the  
22 TANF rolls due to employment. And we could extend  
23 post-employment support via transportation. And we'll  
24 look to see what the boards are doing relative to  
25 that, because that -- that -- that's a good job

1 retention strategy.

2                   And we'll look to see if they're doing  
3 that. And if they're not -- to the degree they are  
4 and see about extending that, because that's certainly  
5 a -- an allowable expenditure there and certainly  
6 supports our cause.

7                   CHAIR RATH: That's a very good thought.

8                   COMM. LEHMAN: Yeah.

9                   CHAIR RATH: Commissioner, do you have  
10 anything?

11                   COMM. CONGLETON: No, I have nothing.

12                   CHAIR RATH: Because I -- I think  
13 anything we can do to -- to ensure the individual's  
14 success and make it a little bit easier as they  
15 transition would be helpful, particularly fully  
16 investing these funds if there is a need. So -- okay.  
17 Is there a motion for the TxDOT TANF funds?

18                   COMM. LEHMAN: Move acceptance of staff  
19 recommendations regarding the dispersion or allocation  
20 of additional TxDOT funds to the boards you mentioned  
21 in your earlier discussion.

22                   COMM. CONGLETON: Second.

23                   CHAIR RATH: And I agree. Thank you  
24 very much.

25                   MR. GARCIA: Thank you.

1 AGENDA ITEM NO. 9

2 CHAIR RATH: Next, we have subsequent  
3 certification of local boards, Mr. Fuller.

4 MR. FULLER: Good morning, Chair Rath,  
5 Commissioners, Mr. Temple.

6 Section 117 of the Workforce Investment  
7 Act requires that the Governor once every two years  
8 certify one Local Workforce Development Board in each  
9 workforce area in the state. You received a chart in  
10 your briefing book, I think located at Tab 9, that  
11 contains our review and recommendations regarding the  
12 28 Local Workforce Development Boards.

13 Because of existing contingencies  
14 concerning four of those boards around board  
15 composition, we are not at this time recommending Gulf  
16 Coast, Heart of Texas, Lower Rio Grande, and South  
17 East Texas. However, it is our plan to maintain a  
18 placeholder on the -- on the agenda to bring back  
19 these boards for consideration by the Commission as  
20 those contingencies are met.

21 So, based on that, staff recommendation  
22 is that the Commission recommend approval of the  
23 remaining 24 boards -- Workforce Development Boards  
24 for subsequent certification by the Governor. I'm  
25 available for any comment or question at this time.

1 CHAIR RATH: No, I -- I think the  
2 information you provided answered all my questions.

3 Commissioner?

4 COMM. LEHMAN: Yeah, I had my questions  
5 answered as well.

6 MR. FULLER: Okay.

7 COMM. CONGLETON: I'm fine.

8 CHAIR RATH: Then, is there a motion to  
9 approve the subsequent certification of the 24 boards  
10 at this time?

11 COMM. LEHMAN: So made.

12 COMM. CONGLETON: Second.

13 CHAIR RATH: And I agree.

14 MR. FULLER: Thank you.

15 CHAIR RATH: Thank you.

16 AGENDA ITEM NO. 10

17 CHAIR RATH: Okay. We have nothing on  
18 the estimates and allocations and targets today.

19 AGENDA ITEM NO. 11

20 CHAIR RATH: And I don't know -- Adam, I  
21 don't -- I don't think he had anything to brief us on  
22 as an update on the negotiations, though I think we're  
23 getting a -- really good information in the e-mails.  
24 So, thank you.

25

1 AGENDA ITEM NO. 12

2 CHAIR RATH: Next, we have Workforce  
3 Board Nominees before us, and we have nominees from  
4 Lower Rio and Rural Capital. Are there any questions,  
5 or is there a motion?

6 COMM. LEHMAN: I have no questions.  
7 I'll enter a motion to approve the nominees from both  
8 boards.

9 COMM. CONGLETON: And I'll second that  
10 motion.

11 CHAIR RATH: And I agree. I -- I have  
12 two comments. I really want to commend Lower Rio for  
13 their demographic breakdown and also welcome their new  
14 member. He represents T-Mobile, which is a really  
15 good, big, new exploding employer in the Valley. So,  
16 I think that will be an asset.

17 And then I wanted to recognize Donald  
18 Loving. Many of us remember when he was with  
19 Communities In Schools in Central Texas, and we had an  
20 opportunity to work with him when this agency had  
21 Communities In Schools. So, I'm very anxious to see  
22 him, because I think his perspective is going to be  
23 much broader than the entity he's currently  
24 representing, the Caring Place.

25 So, I think he'll be a -- a good

1 addition to Rural Capital.

2 AGENDA ITEM NOS. 13 & 14

3 CHAIR RATH: With that, we go to  
4 legislative proposals and federal and state issues,  
5 Mr. McCarty.

6 MR. McCARTY: Chairman Rath,  
7 Commissioner Lehman and Commissioner Congleton, good  
8 morning; Tom McCarty, Governmental Relations Division.

9 We're in the last six days of the  
10 legislative session. I know this saddens everyone.

11 (Laughter)

12 MR. McCARTY: There -- there are a few  
13 bills we're still watching and some major deadlines  
14 that have passed.

15 Senate Bill 206, that was the background  
16 checks for Child -- relative Child Care providers.  
17 The bill died on -- on Sunday, because it was not set  
18 on Tuesday's calendar for today. However, we're still  
19 watching that, because there are a couple of vehicles  
20 out there that that could be amended on.

21 Senate Bill 50 is scheduled today on the  
22 general calendar, I believe. Yesterday evening, the  
23 House passed the Third Reading of Senate Bill 1619,  
24 which is the UI Confidentiality Bill and Senate Bill  
25 589, which is TANF child-only. Both bills were not

1 amended on Second Reading.

2                   The Senate passed the following bills  
3 yesterday: House Bill 550. It was amended on the  
4 Senate floor to add -- by Senator Jackson to include  
5 spouses who care for terminally-ill spouses, to make  
6 them eligible to receive UI benefits.

7                   And then this morning the Senate got off  
8 to an early start and passed House Bill 2371, which is  
9 our Career Schools Bill and -- for Cease and Desist,  
10 and then they also passed 3249, which is the Sunset  
11 Clean-up Bill, which moves our Sunset provision from  
12 2009 to 2013. And this afternoon -- or tomorrow the  
13 Senate will consider House Bill 2120, which is Benefit  
14 Wage Credit and UI Confidentiality. That will be on a  
15 local uncontested calendar as well.

16                   That concludes my testimony, and I am  
17 available for questions.

18                   CHAIR RATH: Thank you. And I really  
19 want to express our appreciation to you and everyone  
20 in your shop, because y'all have really been putting  
21 forth yeoman's service, and the results are clearly  
22 indicating that. And probably the -- the noise that  
23 greeted your announcement of Sunset at 2013 will be  
24 echoed throughout all the boards also, because I know  
25 that was a concern to them, too. So, that sure, I

1 think, is an indication of the outstanding job that  
2 this agency and its partners are performing.

3                   So, Mr. Temple, I commend you because,  
4 clearly, that would not be happening if there wasn't  
5 confidence in this agency.

6                   MR. TEMPLE: (Motioning)

7                   (Laughter)

8                   CHAIR RATH: So, congratulations to  
9 everybody, because I think that's a huge endorsement  
10 of the work that's occurring here.

11                   MR. TEMPLE: Does that mean no  
12 Executive Session?

13                   (Laughter)

14                   CHAIR RATH: I guess not. We were going  
15 to talk about a raise, but I guess not. So, that's  
16 okay.

17                   (Laughter)

18                   CHAIR RATH: Okay. Any questions for  
19 Mr. McCarty?

20                   COMM. LEHMAN: None. Thank you.

21                   COMM. CONGLETON: I have no questions.  
22 Thank you.

23                   CHAIR RATH: Very good. And I --

24                   COMM. LEHMAN: Thanks to your team for  
25 the efforts.

1 MR. McCARTY: Thank you.

2 CHAIR RATH: Very good.

3 AGENDA ITEM NO. 15

4 CHAIR RATH: And we don't -- I don't  
5 think we have anything on the Appropriations Request.  
6 At least we're in better shape than Higher Ed is.

7 And just to let everyone know that when  
8 the Conference Committee did take action -- because  
9 many of our listening audience might not be aware --  
10 we did get all of our request. We have enhanced  
11 funding for Skills Development, the additional money  
12 for RIO, the two FTEs for Career Schools. So, they  
13 really did respond to our request very well.

14 And then the other thing I'll mention,  
15 because it is of interest to -- to so many of our  
16 employers, community colleges and boards, is that  
17 HB 48 did pass last week in the Senate also, which  
18 will continue the split giving Skills a little more  
19 money. And so it -- it will continue the original  
20 allocation of the training assessment so that Skills  
21 will have about 12 million more. So, a -- a very good  
22 year and I think recognition of the really necessary  
23 work that's being done by Skills Development.

24 So, so far we're proceeding merrily  
25 along.

1 AGENDA ITEM NO. 16

2 CHAIR RATH: Okay. Anything on Katrina  
3 and Rita?

4 MR. TEMPLE: (Shaking head) No, ma'am.

5 CHAIR RATH: Very good.

6 AGENDA ITEM NO. 17

7 CHAIR RATH: Data Center?

8 MR. TEMPLE: One thing. Gene had told  
9 me this morning -- and he can -- I know Commissioner  
10 Congleton had expressed interest making sure that --  
11 that we weren't funding their effort, and we've been  
12 tagged -- we've been keeping up with our expenses.

13 And I'll let -- I'm going to ask Gene --  
14 surprise him and ask Gene to -- to update on what we  
15 are paying -- billing them.

16 MR. CRUMP: For the record, Gene Crump,  
17 Deputy Executive Director.

18 Commissioners, if my memory serves, I  
19 believe we captured about \$44,000 in salary expense  
20 for last month that we would bill back or would be  
21 decremented from our IBM invoice for that month. So,  
22 in terms of -- we had talked about hand-holding as we  
23 go through the transition.

24 So, that's continuing today, and -- and  
25 it certainly will continue. We were hoping -- it's

1 sliding down, but it will continue through sometime in  
2 June. And so certainly -- I think that's the correct  
3 number, around \$44,000 last month.

4                   So, we are tracking those costs, and  
5 that will -- would come off the invoice. Since I'm up  
6 here, there's been no major impacts on the service  
7 levels.

8                   Certainly, Dee and his staff need to be  
9 commended, because everything is happening at their  
10 level. As issues pop up, they address them with DIR  
11 to make sure our service level agreements are being  
12 met. And so, so far everything has -- has been  
13 progressing well.

14                   Are there any specific questions from  
15 the Commissioners?

16                   COMM. LEHMAN: I have none.

17                   COMM. CONGLETON: No. Thank you.

18                   CHAIR RATH: Very good. Thank you.

19                   AGENDA ITEM NO. 18

20                   CHAIR RATH: Anything else, Mr. Temple?

21                   MR. TEMPLE: We do have a -- a staff  
22 report. Reagan Miller is going to give us an update  
23 of where we are on the TYC Initiative and the -- the  
24 kids that are being released and working with them and  
25 our boards.

1                   MS. MILLER: Good morning, Chair Rath,  
2 Commissioners. We do want to give you an update on  
3 the status of our coordination efforts with TYC,  
4 really ensuring that the referral mechanisms we have  
5 in place are working.

6                   As you're aware, part of the current  
7 reforms of TYC include the release of a significant  
8 number of incarcerated youth. And in an effort to  
9 ensure that these youth receive all of the services  
10 available to them, the Governor's Office did convene  
11 an intraagency working group. The group met a couple  
12 of times; TWC was a part of that group.

13                   As you know, we do already have referral  
14 mechanisms in place for the Project RIO youth.  
15 Because of the large number of releasees that we're  
16 going to see, we did want to make sure that those  
17 mechanisms are in place, are working. And not only  
18 that, but we wanted to make sure that TYC knows about  
19 other services besides the traditional Project RIO  
20 services that are available to these youth, in  
21 particular, WIA youth services that may be appropriate  
22 for a lot of the kids that are being released.

23                   So, in April we did provide TYC State  
24 Office with an overview of the services that are  
25 available and a list of all of our Workforce Centers

1 across the state, and we also e-mailed the boards at  
2 that time giving them a heads-up that they could be  
3 seeing increasing numbers of referrals from TYC.  
4 Since then, we've been working with TYC to get an  
5 automated data exchange of detailed information on the  
6 releasees' names, addresses, telephone numbers, those  
7 kinds of things that will help us serve them.

8                   And as of May 18th, our records show  
9 that the releasees, Ages 16 and above, that -- that we  
10 know about total 575, with the bulk of those being in  
11 the Gulf Coast area. So, today we're finalizing four  
12 letters, sort of a four-pronged approach to make sure  
13 that everybody is aware of what the workforce system  
14 can do to help these youth.

15                   The first is a letter to the Board  
16 Chairs, sort of a high-level overview really  
17 soliciting their active oversight in this important  
18 initiative. The second is to the Board EDs, and that  
19 one goes into more operational detail about the  
20 information that we have available to them and helping  
21 them with their efforts to serve these youth.

22                   The third letter is to the TYC  
23 supervising parole officers at the local level.  
24 Again, we want to supplement what we provided to the  
25 TYC State Office, and coordinating through them we're

1 making sure that we have the most updated list of the  
2 lead parole officers across the state and that they  
3 have information on the services that we provide and  
4 the locations of the Workforce Centers.

5                   And then finally we want to send a  
6 letter to the parents or guardians of the youth that  
7 are being released to make sure that they're aware of  
8 the services that we provide. We do recognize not all  
9 of these kids are going to be appropriate for  
10 Workforce Services.

11                   Some of them may have some other types  
12 of issues that need to be dealt with before they're  
13 ready to engage in Workforce Services. So, we really  
14 are encouraging the boards to coordinate closely with  
15 their TYC local contacts. We plan on discussing this  
16 with the boards on this Friday's conference call and  
17 discussing this at the -- at the upcoming Workforce  
18 Forum that we have scheduled.

19                   And finally, as part of this automated  
20 data exchange, we are getting updates now on a weekly  
21 basis. TWIST is receiving those, and we are  
22 automating some reports in TWIST that will allow the  
23 boards to access this information through our  
24 automated systems and not rely on TWC providing it to  
25 them.

1                   So, those are our steps today to what we  
2 planned for the future.

3                   CHAIR RATH: Very good. I really  
4 appreciate the effort that everyone is putting into  
5 it.

6                   And I know that it's been a difficult  
7 process because of -- of so much confusion and  
8 constant changes in that program and accessing  
9 accurate and timely information, but I think it -- it  
10 is really important when you look at the crisis that  
11 those youth are going through. And there is a very  
12 nice fit, since adjudicated youth is supposed to be  
13 one of our priorities and, clearly, the Department of  
14 Labor has asked us to really focus on that population.  
15 So, I think having the resources and the ability to  
16 assist in the transition certainly will serve everyone  
17 well.

18                   So, I really appreciate it.

19                   MS. MILLER: And I appreciate you  
20 mentioning the DOL priority. Interestingly, we got an  
21 invitation to a DOL Regional Meeting, a Shared Youth  
22 Vision Meeting. And so Mr. -- we're -- we're drafting  
23 an e-mail for Mr. Temple.

24                   Part of the Governor's workgroup,  
25 obviously, was an interagency collaboration. So, we

1 think this might be a good opportunity to invite some  
2 of those partners to attend this regional meeting and  
3 really build upon the efforts that we've taken to date  
4 to serve this -- this juvenile justice population.

5 CHAIR RATH: Very good. Great. Thank  
6 you.

7 Any questions, Commissioner?

8 COMM. LEHMAN: None.

9 COMM. CONGLETON: I have no questions,  
10 and I salute your effort to catch these kids when they  
11 come out and do something for them, and that's what we  
12 really need to do. I see that there's going to be an  
13 additional about 215 on top of the 500 released pretty  
14 quick. So, we've got our work cut out for us.

15 MS. MILLER: Yes, sir.

16 COMM. CONGLETON: Thank you.

17 MS. MILLER: Thank you.

18 CHAIR RATH: Very good.

19 Anything else?

20 MR. TEMPLE: Nothing else,  
21 Commissioners.

22 CHAIR RATH: Commissioner, do you have  
23 anything?

24 COMM. LEHMAN: No, thank you. I'll --  
25 I'll (inaudible) a week or two.

1                   COMM. CONGLETON: No, I have nothing.

2                   CHAIR RATH: Okay.

3                                 AGENDA ITEM NO. 21

4                   CHAIR RATH: It's 9:36, and if there's  
5 nothing else, then we will stand adjourned.

6                                 (Meeting adjourned: 9:36 a.m.)

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

2 STATE OF TEXAS )  
3 COUNTY OF TRAVIS )  
45 I, JANIS SIMON, a Certified Shorthand  
6 Reporter in and for the State of Texas, do hereby  
7 certify that the above-mentioned matter occurred as  
8 hereinbefore set out.9 I FURTHER CERTIFY THAT the proceedings  
10 of such were reported by me or under my supervision,  
11 later reduced to typewritten form under my supervision  
12 and control and that the foregoing pages are a full,  
13 true, and correct transcription of the original notes.14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and seal this day of 2007.

16

17

18

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20

21

22 JANIS SIMON  
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