

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, AUGUST 21, 2007

BE IT REMEMBERED THAT at approximately
9:02 a.m., Tuesday, the 21st day of August, 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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P R O C E E D I N G S

TUESDAY, AUGUST 21, 2007

(9:02 a.m.)

AGENDA ITEM NO. 1

CHAIR RATH: Okay. We'll go ahead and come to order, and I think we have one case that's going to be walked in 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

The Commission considered and agreed to the resubmission of Case No. 939435-2 on a future docket.

AGENDA ITEM NO. 3

Discussion, Consideration and Possible Action Regarding Tax Liability Cases Listed on the Texas Workforce Commission Docket 34

The Commission considered and took action on all tax liability cases listed on Docket 34.

AGENDA ITEM NO. 4

Discussion, Consideration and Possible

1 Action Regarding Higher Level Appeals in Wage Claim
2 Cases Listed on the Texas Workforce Commission
3 Docket 34

4 The Commission considered and took action on
5 all Wage Claim Cases listed on Docket 34.

6 AGENDA ITEM NO. 5

7 Discussion, Consideration and Possible
8 Action Regarding Higher Level Appeals in Unemployment
9 Compensation Cases Listed on the Texas Workforce
10 Commission Docket 34

11 The Commission considered and took
12 action on all Unemployment Compensation Cases listed
13 on Docket 34.

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

16 CHAIR RATH: Okay. We'll go ahead and
17 come to order and continue with our agenda.

18 AGENDA ITEM NO. 6

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

21 MS. SANDERS: (Shaking head)

22 CHAIR RATH: No? Thank you.

23 AGENDA ITEM NO. 7

24 CHAIR RATH: Then, Fran Carr, and we'll
25 talk about our FY '08 Audit Plan, please.

1 MS. CARR: Good morning, Commissioners
2 and Mr. Temple. I'm here this morning to ask for your
3 approval of the FY '08 Audit Plan. This is the one in
4 your book. It's the one that we have discussed, and I
5 will answer any of your questions.

6 CHAIR RATH: I just want to thank you
7 for all the work you and your department have done and
8 also to commend you, because I understand you are
9 fully staffed and that you have no turnover and that
10 your staff is really, I think, pulling together and
11 developing into a cohesive unit. And I know all the
12 agency appreciates that, and I hear good things from
13 the agency about their interacting with Internal
14 Audit.

15 So, I wanted to -- to thank you for your
16 efforts and thank everyone in the department, because
17 it's easy to overlook Internal Audit when things are
18 going well. So, we really do appreciate it.

19 And having said that, I can look at the
20 Internal Audit Plan, and I didn't have any questions.
21 I think we had a really good discussion on it.

22 I do want to comment that I think the --
23 the ABM for Regulatory Integrity Division is really
24 good timing, because as that unit pulls together, I
25 think it will really help them be aware of

1 opportunities where they can enhance their efficiency
2 and be more effective. So, I -- I appreciate that
3 timing on it, and I think it does give us an awful lot
4 of -- of opportunities there.

5 And I'm also really looking forward to
6 getting the UI Tax Project, that ABM done, because
7 I -- I think as we continue to face decreasing funding
8 for UI and as we all have to see how we can tighten
9 up, I'm hoping that the ABM of Tax will give us some
10 indication of, perhaps, how we can be more efficient,
11 more effective, perhaps ways we could investigate
12 automating. You know, every other part of the agency
13 has really embraced automation, and there might be
14 some opportunities for enhanced automation in Tax and
15 to see if there's ways we can organize -- to better
16 utilize and -- and better leverage the funding
17 available.

18 So, I appreciate it, and I don't have
19 any questions. Thank you.

20 MS. CARR: I appreciate your comments.
21 I'm very proud of the staff that I have on board right
22 now, and I appreciate you recognizing their successes.

23 COMM. LEHMAN: I would echo our comments
24 and compliments for your leadership over the past
25 year, year and a half, as we struggled through some of

1 the transitions. And I would -- I -- I have no
2 questions about the Audit Plan.

3 I guess I would comment that I
4 appreciate the attitude of the -- of the Audit staff,
5 and I also would reiterate and appreciate the attitude
6 of the agency staff in recognizing that, while the
7 objective of the Audit staff is to ensure that we
8 uncover problems, the real issue is to continue to
9 strive for excellence. And so, to the degree that we
10 all work together to achieve that, that's really what
11 this is all about.

12 So, my compliments to your team, and I
13 have no questions about the Audit Plan.

14 MS. CARR: Thank you.

15 COMM. CONGLETON: And I have no
16 questions either.

17 MS. CARR: Thank you.

18 CHAIR RATH: Very good.

19 COMM. LEHMAN: So --

20 CHAIR RATH: Then, is there a motion to
21 approve the '08 Audit Plan?

22 COMM. LEHMAN: So made.

23 COMM. CONGLETON: Second.

24 CHAIR RATH: And I agree.

25 MS. CARR: Thank you.

1 CHAIR RATH: Thank you very much.

2 AGENDA ITEM NO. 8

3 CHAIR RATH: Okay. That brings us to
4 Adam Leonard and consideration of '06 and '07 WIA
5 Board Target -- Targets. Mr. Leonard.

6 MR. LEONARD: Yes. For the record, Adam
7 Leonard, Performance, Analysis and Reporting. I'm
8 here today to talk to you about staff recommendations
9 regarding Board Contract Year '07, which is also known
10 as WIA Program Year '06 year-end target adjustments.

11 We're in the process now of putting
12 together material for the WIA in your report, at which
13 point we would be including whatever the final targets
14 are. And so you'll remember that back several weeks
15 ago at the end of June we came before you to discuss
16 the process by which we would make recommendations.

17 The boards provided information to us,
18 and we evaluated year-end performance up against that
19 information and, in particular, up against several
20 different types of statistical modeling that we've
21 been using in setting targets for the last several
22 years now. So, this process is pretty well set at
23 this point.

24 For the most part the models themselves
25 provide enough information to support the

1 recommendations, but there was one instance where
2 the -- our initial models did not support a
3 recommendation. But the -- the board was able to show
4 us that some of their historic performance was
5 somewhat anomalous, meaning that they had a very
6 special, short-term, you know, limited initiative that
7 produced very good results but that those results had
8 a tendency of spiking performance and kind of taking
9 it outside of their normal range, if you will. And
10 so, when we accounted for that, we found that the --
11 what performance they actually achieved this year was
12 within what we'll describe as kind of minimally
13 expected ranges or -- or reasonable ranges.

14 So, the specific recommendations are on
15 Page 2 of the material before you, and we'd ask for
16 your approval on staff recommendations.

17 CHAIR RATH: I've got a couple of
18 questions. One, could you elaborate a little bit on
19 what the anomalous event in PY '05 was for North East?

20 MR. LEONARD: Yes. North East had put
21 together an initiative that involved training a lot of
22 nurses --

23 CHAIR RATH: Uh-huh?

24 MR. LEONARD: -- and the nurses' average
25 earnings outcomes were significantly higher than what

1 we'll describe as kind of the typical average earning
2 outcomes. And so that was a limited-scope project, as
3 I understand it, which was in effect, I believe, in
4 PY '05, is when we saw those numbers, or BCY '06.

5 And so, again, when you looked at their
6 curve, it did this (indicating) and spiked upwards
7 there, which then in a time series type modeling which
8 we use, tended to want to continue that ascent,
9 whereas the project itself didn't continue. And so we
10 needed to go ahead and kind of account for that as --
11 as being anomalous.

12 CHAIR RATH: Thank you. And I have one
13 on the WRIS system. Did -- has LA joined -- I mean,
14 I'm sorry. Has Louisiana joined yet?

15 MR. LEONARD: Louisiana has joined
16 WRIS --

17 CHAIR RATH: Okay.

18 MR. LEONARD: -- and we did -- or
19 rejoined, I should say, and we did receive some wage
20 records from them in the last batch a couple weeks
21 ago. We're still missing California, which is worth
22 about 10 percent --

23 CHAIR RATH: That was my next question,
24 was California.

25 MR. LEONARD: California is not in.

1 New York is not in. We don't get as much from
2 New York, but I'm just saying, there are -- I think
3 it's somewhere in the neighborhood of 12 or 13 states,
4 might be as many as 16 states, that are not currently
5 participating in WRIS.

6 Although, when I talk to them, they
7 indicate that they would like to find a way to rejoin.
8 Many of them do, but they haven't gotten there yet.
9 They're still working on it.

10 CHAIR RATH: So, at least with --
11 because we have so many of our East Texas folks,
12 that -- that Louisiana really does impact. What does
13 California -- what's their reasoning?

14 MR. LEONARD: As I understand it, it has
15 to do with language in the confidentiality agreement
16 and that -- that the -- the user agreement between the
17 states. And I'm not sure what the specific objections
18 are, because the agreement is essentially just taking
19 the original agreement that existed when NASWA ran it
20 and changing NASWA to DOL, the references, and
21 reorganizing some of the material.

22 But any time you set up a new agreement,
23 of course, it has to go through the attorneys again,
24 and there might be different attorneys in place who
25 weren't as familiar with the old document, who read it

1 with fresh eyes and say, "You know, we probably
2 shouldn't have signed it originally." So, there
3 are -- they have some real concerns about -- just that
4 they feel that their statute provides really stronger,
5 you know, prohibitions in terms of sharing this data.

6 And so I'm not sure how they're going to
7 manage to overcome them, but they claim that they're
8 working on it and trying to find a way to, perhaps,
9 get some language changed in the agreement.

10 CHAIR RATH: Okay. Thank you. And then
11 just to clarify, your recommendation on the Adult
12 Average Earnings is to adjust East Texas, Alamo,
13 Coastal Bend, Concho, North East, Permian, Rural
14 Capital and South Plains. Is that correct?

15 MR. LEONARD: All except for East Texas.
16 East Texas came into -- when they starting this
17 process, they were not meeting, based on
18 three-quarters of the data. The fourth quarter of
19 data, when it came in, pushed them up --

20 CHAIR RATH: Right. I -- I read that.
21 My mistake. Thank you.

22 MR. LEONARD: No problem.

23 CHAIR RATH: So, therefore, it's --
24 we're adjusting Alamo, Coastal Bend, Concho Valley,
25 North East Texas, Permian Basin, Rural Capital and

1 South Plains on Adult?

2 MR. LEONARD: Yes.

3 CHAIR RATH: Okay. And then on
4 Dislocated it would be Dallas, North Texas, South
5 Texas and Tarrant?

6 MR. LEONARD: Yes.

7 CHAIR RATH: Okay. Thank you.

8 Any questions?

9 COMM. LEHMAN: No.

10 COMM. CONGLETON: I have no questions.

11 CHAIR RATH: Good. Then, is there a
12 motion to approve the adjusted targets for PY '06?

13 COMM. CONGLETON: Move to approve the
14 staff-recommended adjustments to the Board Contract
15 Year 2007 WIA targets.

16 COMM. LEHMAN: Second.

17 CHAIR RATH: And I agree.

18 MR. LEONARD: Thank you.

19 CHAIR RATH: Thank you very much.

20 AGENDA ITEM NO. 9

21 CHAIR RATH: Then, that brings us to
22 Board Plan Modifications. Hello, Ms. Carlson.

23 MS. CARLSON: Good morning.

24 Good morning. Debbie Carlson with
25 Workforce Division. With me is Jennifer Jacob, also

1 of the Workforce Division, and Jenni has led our board
2 planning process for the last few years.

3 The Fiscal Year 2007/2008 board planning
4 cycle covers the period from October 1st, 2006 to
5 September 30th, 2008. This mod is the second year of
6 the two-year plan, and the planning cycle continues to
7 promote boards as the principle source for integrated
8 workforce solutions.

9 At your direction, we shifted the focus
10 of the local strategic planning process from targeting
11 specific occupations to targeting entire industry
12 sectors and from developing skills for specific jobs
13 to developing transferable skills. Boards were asked
14 to address economic conditions and local industry
15 cluster initiatives.

16 Within the high-priority occupations
17 identified, boards then were asked to engage employers
18 by developing programs in response to their employer
19 staffing plans. In addition, boards were asked to
20 update the status of the programs and the service
21 delivery strategies presented in their two-year plans.

22 The plan modifications and planning
23 activities continue to improve in quality. Boards are
24 being recognized as the primary source of labor market
25 information and are engaging employers to validate the

1 information, identify the transferable skills and
2 define training curricula.

3 Seven areas were directed to collaborate
4 in the development of regional plans. These regions
5 were asked to dedicate local resources to regional
6 mission, goals and objectives through a single
7 regional planning agreement. Results of the regional
8 plans were very positive.

9 All demonstrated advances in their
10 efforts towards regional planning. For example, in
11 the Metroplex the boards have expanded the clusters
12 that they've targeted because each board serves as a
13 primary liaison to a specific cluster. So, we've seen
14 some very positive things happen.

15 Now, at this time staff recommends
16 approval of the 28 Board Plan Modifications for FY '07
17 and '08, and we recommend submission of the plan mods
18 to TWIC for consideration at their September 7th
19 meeting and recommendation of approval by the
20 Governor. And I'll be happy to answer any questions
21 you may have.

22 CHAIR RATH: Thank you. I've got just a
23 couple.

24 I really did want to commend the boards
25 that pulled together in their own self-generated rural

1 initiative. I think they were just a model of what
2 can be accomplished and, particularly, on focusing the
3 decrease in their admin costs and -- and really
4 searching out some increased efficiencies. So, I
5 really want to salute those boards that are
6 participating and -- and appreciate the way some of
7 them really elaborated in -- in the plan they
8 submitted to us.

9 I want to comment that -- and -- and I
10 share that admiration what the Metroplex has done in
11 pulling together and -- and building that foundation
12 upon greater regionalization in the future, but I do
13 think that when I read the synopsis of the plans,
14 although I'm very pleased at the efforts Austin and
15 Rural Capital have to work together, to me it really
16 illustrated they are one regional area. When they
17 break down into a central, which is Williamson, Travis
18 and Hays, and then an eastern and a western, that
19 clearly makes sense from an organizational standpoint,
20 but it also illustrates that it's not two areas. So,
21 I -- I'm very glad they're collaborating, and it's
22 absolutely vital to do that at a minimum if we're
23 going to serve the residents of Central Texas.

24 And then I was wondering if you could
25 expand a little bit on the -- some of the confusion

1 with training costs, because I know that we got
2 information in that indicated we needed to do a better
3 job of defining, which I think is a national problem.
4 But from what y'all could tell -- or was there enough
5 information to even get a sense -- did you feel that
6 most boards are underreporting, overreporting or is it
7 all across the board or what was y'all's sense of
8 that?

9 MS. CARLSON: I would have to say that
10 it's probably all across the board, and I think that
11 we do -- we do bear the responsibility for that. We
12 need to be able to do a better job of defining what
13 should be included in training costs and what should
14 not. And when we looked at the training costs that
15 the boards provided, it did seem to be all across the
16 board.

17 The -- the percentage ranges were
18 extremely wide, and I think that's because some boards
19 took a very -- took a very narrow focus on what they
20 included. And they only included the exact cost of
21 trainings; for example, the amount included in an
22 individual training account -- individual training
23 accounts, whereas other boards included additional
24 costs, like the cost of staff that worked with those
25 individuals that are -- that they're putting in

1 training.

2 And so it really was across the board,
3 and so I think it's incumbent upon us to be able to do
4 a better job to -- to draw the box and to explain to
5 them what needs to be included in that dollar amount.

6 CHAIR RATH: Okay. And do you think the
7 guidance that we have from Washington is sufficient to
8 allow us to do that, or do you think it's -- needs
9 clarification, at least we can set our own little
10 model up in the state?

11 MS. CARLSON: I think that it would be
12 helpful if we had clarification but -- from the
13 Department of Labor, but in the absence of that, I
14 think that we should draw that box ourselves and do a
15 better job of defining.

16 CHAIR RATH: Very good. I look forward
17 to -- to getting that and seeing that, because I
18 think -- I think all the boards are working really
19 hard at meeting the employers' needs with training,
20 particularly the short-term training.

21 And I wanted to recognize a couple of
22 boards -- well, all -- all the boards, because the
23 quality of their submittals, I think, are -- are far
24 superior, particularly when I reflect over a few
25 years. I mean, it's not a template checked off, and I

1 think we're really getting some substantive insight
2 into what's occurring. So, I appreciate all the work
3 that went into that.

4 And I want to commend -- it's
5 interesting how so many boards are really responding
6 to what -- to their local needs, I think, much better,
7 like Concho Valley with their Initiatives for Older
8 Workers. When you look at their demographics, clearly
9 that's an area that's -- they do need to focus on.

10 When you look at the extensive
11 information from South East Texas with all their
12 challenges of recovering from Rita and then the
13 tremendous opportunity facing them with a -- an
14 unprecedented expansion and growth and we have to make
15 sure that we -- we do what we need to do to make sure
16 that they have the resources they need to be
17 successful in that. When we look at the regional plan
18 in Texoma with the neighboring state that really has
19 been nationally recognized and -- and you realize how
20 arbitrary, you know, state lines are, with the
21 tremendous work that they're doing up there.

22 With Alamo, looking at developing some
23 services that can be fee-for-service, which will help
24 them expand a little bit and just some really good
25 work occurring across the state. So, I appreciate

1 staffs' work in reviewing them, because it is a
2 challenge and -- and, more importantly, all the work
3 that's going on around the state. So, thank you.

4 Questions?

5 COMM. LEHMAN: Yeah. I guess I would
6 invite you to comment, either now or later, the -- in
7 your last paragraph we talk about "many of the
8 programs have resulted in a certification of skills
9 attainment or a credential recognized by local
10 employers." I'm interested, is that mostly national
11 credentials or industry credentials or those
12 locally-crafted credentials? And what comments would
13 you offer?

14 MS. JACOB: Jennifer Jacob with
15 Workforce Policy. Mostly, it's local credentials that
16 are based on a Work Readiness Program, but that was
17 something that we had spoken about in the past that
18 was probably needed at the local level. And it was
19 a -- a good thing, I think, to find that, with that
20 exception, every board does have a Work Readiness
21 Program and many of those do have credentials that are
22 recognized locally by the employers.

23 COMM. LEHMAN: Okay. My -- while I
24 think that's a good first step --

25 MS. JACOB: Uh-huh?

1 COMM. LEHMAN: -- my observation is that
2 a credential that is not transportable really doesn't
3 serve workers very well, and it really doesn't serve
4 employers all that well either across a broader
5 expanse. So, to the degree that we can encourage an
6 elevation to a national credential, we would be better
7 off if we did that and got more adoption of -- of a
8 more widely recognized credential.

9 So, it's a good first step. It's just
10 not enough.

11 MS. JACOB: Okay.

12 CHAIR RATH: And -- and I would agree
13 with what you said. I think the recognition of
14 certification and really getting a
15 nationally-recognized one or industry-led ones would
16 certainly serve all the participants much better.

17 COMM. LEHMAN: Well, and it'd also
18 minimize cost, because we're reinventing --

19 CHAIR RATH: Uh-huh.

20 COMM. LEHMAN: -- fundamentally the same
21 criteria over and over and over.

22 MS. JACOB: Uh-huh.

23 CHAIR RATH: Very much so.

24 Any questions, Commissioner?

25 COMM. CONGLETON: Well, you know, in

1 four years that -- almost four years that I've been
2 here this -- I've seen the training and the boards
3 actually improve dramatically. The certifications
4 have improved dramatically, although I would like to
5 see it -- national certification, at least a statewide
6 certification in certain fields and that -- that
7 the -- our -- I think our training is -- is excellent,
8 that -- I think we're in the first steps of all of it.

9 CHAIR RATH: Uh-huh.

10 COMM. CONGLETON: I think as we move on
11 it will create those things that we're talking about.
12 And I think we should strive to do that, that our --
13 our Skills is actually -- our Skills training and our
14 Self-Sufficiency training has actually almost doubled,
15 the average wage, since I've been here in four years
16 which, you know, reflects excellent on everybody. So,
17 the certification part of it will come; we just have
18 to keep working at it.

19 Thank you, ladies.

20 CHAIR RATH: That's a great observation.

21 Can I ask maybe at a -- at one of our
22 quarterly forums if we could have the Skills Standards
23 folks come do a presentation for the boards? They
24 might not be aware of some of the work that's been
25 done in that realm, also --

1 MS. JACOB: Uh-huh.

2 CHAIR RATH: -- and that might be
3 helpful, too.

4 MS. CARLSON: We'll work with
5 Mr. Fuller's group to make that happen.

6 CHAIR RATH: Thanks.

7 COMM. CONGLETON: And I -- I -- I
8 think -- I would like to say that I think the boards
9 have done an excellent job in recognizing what's
10 needed in their areas, because they have no qualms
11 about telling you what they need when you get there --

12 CHAIR RATH: Uh-huh.

13 COMM. CONGLETON: -- and where it used
14 to be, we have a list, and now they know exactly what
15 they want. So, I think that's an improvement, too.

16 CHAIR RATH: Very good. Thank you.

17 Is there a motion to approve the FY
18 '07/'08 Board Plan Modifications?

19 COMM. LEHMAN: So made, along with the
20 authorization to forward it on to the next level of
21 approval.

22 COMM. CONGLETON: And I'll second that.

23 CHAIR RATH: Very good. And I agree.

24 Thank you.

25 MS. CARLSON: Thank you.

1 And I will say I appreciate TWIC's
2 working with us to make it a more seamless system,
3 because I think it's very nice that both entities are
4 able to collaborate in doing the review so that
5 it's -- it's, I think, much easier for the boards and,
6 certainly, I hope easier for staff to work through the
7 issue, too.

8 So, thank y'all. And I want to thank
9 TWIC very much.

10 AGENDA ITEM NO. 10

11 CHAIR RATH: Okay. That brings us to the
12 Unemployment Insurance Reemployment Eligibility
13 Assessment Grant Funds.

14 MS. CARLSON: Again, for the record,
15 Debbie Carlson, Workforce Division.

16 As you'll recall in April we received
17 notification that a revised FY '07 funding request for
18 the Reemployment and Eligibility Assessments Grant had
19 been approved. This provided us with an additional
20 amount of \$337,314.

21 At the April 27th meeting, you took
22 action to make the distributions to the local areas.
23 And if I could, I'll direct your attention to the
24 chart on Page 2 behind Tab 10. That's where the
25 figures are that I'll be talking about.

1 Since the April Commission action,
2 there's been a reduction in the unemployment rate in
3 Capital Area. And, as a result, they've advised us
4 that they would like to voluntarily deobligate
5 \$109,849. They would also request that their target
6 be adjusted to 3,084 to reflect that dollar amount
7 change.

8 Concho Valley and North East Texas
9 Boards have requested additional funds and, of course,
10 find an increase in the participants served target.
11 Upon further analysis of the administrative burden of
12 managing the -- the evaluation component of this
13 grant, staff recommends requesting a modification to
14 the state's administrative rate from 5 percent to
15 point -- to, pardon me, 9.93 percent with a
16 corresponding reduction to the total number of
17 participants served of 472 participants.

18 Staff recommends adjusting board targets
19 and contract totals based on these requests,
20 requesting a grant modification to the Department of
21 Labor to adjust the administrative rate and to reduce
22 the state's Customer Served target. And we have had
23 discussions with DOL about this, and they have
24 received these ideas favorably. Also, staff recommend
25 providing boards the flexibility to use these funds by

1 making the effective date of these changes June 1st of
2 this year.

3 And I'll be happy to answer any
4 questions you have.

5 CHAIR RATH: Thank you. I -- I -- I
6 just -- I mean, I'm very happy that the services are
7 going to be delivered.

8 I hope that as we move forward we're
9 able to do a better job quantifying, delineating, kind
10 of figuring out what return on the investment is being
11 made. I know it's been very difficult because of the
12 model and the lack of good definitions and direction
13 from DOL initially, but at the same time it would -- I
14 would continue to hope to see some account -- a better
15 measure of the outcome.

16 MS. CARLSON: Yes, ma'am. As a matter
17 of fact, yesterday we had a conference call with
18 Department of Labor to talk about control groups for
19 this grant so that we can try to address your
20 concerns.

21 CHAIR RATH: That would be really
22 helpful. Thanks.

23 Any questions, Commissioner?

24 COMM. LEHMAN: None.

25 COMM. CONGLETON: No questions.

1 CHAIR RATH: Then, is there a motion to
2 approve the redistribution of grant funds?

3 COMM. CONGLETON: Move that we adjust
4 the REA targets and the contract totals for the boards
5 based on their requests, make the effective date of
6 change June 1, 2007, that we request DOL to modify the
7 grant to adjust the administration rate from 5 percent
8 to 9.93 percent and reduce the total number of
9 participants served.

10 COMM. LEHMAN: Second.

11 CHAIR RATH: And I agree. Very good.

12 AGENDA ITEM NO. 11

13 CHAIR RATH: Next, we'll come to our
14 Operating Budget and Board Allocations and Performance
15 Targets, Mr. Townsend.

16 MR. TOWNSEND: Good morning,
17 Commissioners. For the record, my name is Randy
18 Townsend.

19 I had passed out earlier my talking
20 points that -- which might make it a little easier to
21 follow through as we go through the budget allocation
22 materials. Then, Adam Leonard will be coming up at
23 the conclusion of -- of that information to talk about
24 performance targets. Also, I have for your
25 consideration this morning in the materials the order

1 that was included under -- within Tab 11 as well.

2 Let me just start with Schedule 1, which
3 is our summary of our Appropriations Request by our
4 various strategies. I had to highlight the changes we
5 made as a result of the discussion from last week's
6 initial budget presentation for 2008.

7 Within Schedule 1 on Page 1 of 3, the
8 Strategy A.1.1, the Workforce Investment Act Strategy,
9 we had talked about reducing -- in order to balance to
10 available grant revenue, we talked about reducing our
11 Statewide Initiatives for -- well, several different
12 projects. But staff is recommending that we reduce
13 the Meeting Critical Needs Project from 8 million down
14 to 7 million. You can see the details on this if you
15 refer to Exhibit A-1; it's in various places, but
16 Exhibit A-1 would be one place that you could see it
17 fairly easily.

18 Department A17 -- 717, see the decrease
19 from 8 million to 7 million for the Meeting Critical
20 Needs Project funded from WIA. That's 1 million of
21 the -- the change in that particular strategy.

22 We also budgeted -- as part of that
23 discussion, we also talked about budgeting an
24 additional 1.4 million to make additional funds
25 available as part of our Dislocated Worker Allocation,

1 rough -- I rounded 1.4 million. And that was to bring
2 the proportion of the Dislocated Worker to 85 percent,
3 the formula portion to 85 percent of the available
4 funds for the State of Texas.

5 In the Allocation Tab you can see that
6 we've now will -- will be increasing the amount of the
7 Rapid -- well, we -- we don't have the Rapid Response
8 set -- set aside separately. We have it made
9 available as a Dislocated Worker Formula Allocation.
10 So, that would change it from \$78,400,005 to
11 79,808,388, would be the proposed amount of the
12 allocation of the Dislocated.

13 In addition, there was a 400,000,
14 roughly, balance available in Rapid Response after we
15 made that -- that adjustment in terms of the
16 Dislocated Worker Formula that we've budgeted in the
17 Commission Reserve Department. You can find that on
18 Schedule 2, Page 12 of 20 in A701 to see where that
19 change is reflected.

20 And then, finally, to account for the
21 remaining portion of the difference on the -- this WIA
22 Strategy, there's about 400,000 that was reclassified
23 from the Indirects for the Information Resources. We
24 had talked about -- we had found the correction that
25 need to be made, and the portion that relates to this

1 strategy was about 400,000 that was added to the A.1.1
2 and was reduced out of the C.1.2, Information
3 Resources.

4 So, I believe that accounts for all
5 the -- the net change there in that particular
6 strategy going from just under 178 million, as we
7 presented last week, to the 179.2 million in -- in
8 this week's budget presentation materials.

9 I will just pause for a moment and see
10 if you have any questions or if that makes sense as
11 far as -- I think it reflects all your recommendations
12 or decisions you made last week.

13 That would bring me then --

14 CHAIR RATH: Any questions?

15 THE COMMISSIONERS: (Shaking heads)

16 MR. TOWNSEND: Oh, I'm sorry.

17 CHAIR RATH: Okay. Go ahead.

18 MR. TOWNSEND: That would bring me to
19 Schedule -- still on Schedule 1 on Page -- that first
20 page, the TANF Choices, again, just reflecting where
21 we made the changes from your last week discussion.
22 There was 2.4 million that was shown as a balance last
23 week that we've now budgeted as part of the Commission
24 Reserve and, again, in Schedule 2 on Page 2 of 20 in
25 this case you can find that information presented for

1 that particular area. And, as I mentioned last week,
2 I believe, Mr. Jones and his staff is -- will be --
3 are -- are currently working on a proposal to bring
4 forward for your consideration sometime in September.

5 And then that left a remaining 200,000,
6 again, related to that reclassification from the
7 Indirect Strategy, C.1.2, for this -- for this TANF
8 Choices Strategy.

9 Any questions about that?

10 CHAIR RATH: (Shaking head)

11 MR. TOWNSEND: Then, let me move to the
12 Child Care Strategies. I mentioned to you last week
13 that we needed to go back and take a look at our '08
14 requested amount for -- in particular, for Choices
15 Child Care. We did that.

16 We also looked historically at what the
17 actual amounts -- actual amounts were for the Choices
18 Child Care, as well as the other types of Child Care.
19 We provide the Transitional and the At-Risk. I have
20 attached a schedule; I think I sent that out to your
21 offices this past week.

22 We did -- did some -- quite a bit of
23 looking to see what was going on with this -- with
24 these particular strategies. So, I'll refer to Page 1
25 here, which is the same document -- it's just not

1 in -- in color that I had sent out earlier, showing
2 you both the '06 actual and '07 estimate for the three
3 different Choice -- or the three different Child Care
4 Strategies for direct care, the TANF, Transitional and
5 At-Risk, as well as what we're suggesting be the '08
6 requested amount.

7 Now, the first set of boxes is what was
8 presented last week in -- in the shaded lines, and
9 then the second box down below that is what is being
10 recommended as far as the staff recommendation for
11 '08. So, let me just summarize the -- the -- the
12 amounts we're now requesting.

13 The Choices Child Care is being
14 recommended that we establish that '08 requested
15 budget amount at 47,243,196, recommending the
16 Transitional Child Care be established in the budget
17 '08 at 28,345,918, and then the At-Risk Child Care
18 total, which would reflect the -- the increase from
19 the reductions of those two previous strategies, would
20 be established at 378,382,089. When you net that out,
21 the same total amount for those three direct Child
22 Care Strategies, the trend line, I think, tracks much
23 more reasonable over the '05 -- or '06/'07 trend.

24 I also looked to make sure that the
25 Choices Child Care had a relationship that made sense,

1 when you compared it to the Choices Program. And
2 that's what you can see at the bottom of that Page 1
3 there, the Transitional Child Care as it -- or -- and
4 Choices Child Care as it relates to the Customers
5 Served in the Choices Program.

6 And then, also, as it turns out -- and
7 this is -- I would -- would like to give some credit
8 to the boards for their reporting. I just had not
9 looked at this in any detail until recently. On the
10 Transitional, we've -- we've struggled with this
11 trying to understand this.

12 But there seems -- and I can't tell you
13 why it's this percentage, but I can tell you what the
14 percentage looks like. It's right in the neighborhood
15 of 60 percent of Transitional as a percentage of the
16 Choices, which we've often thought there should be
17 some kind of relationship that made sense there, that
18 those programs are interlinked in some way.

19 And -- and this is first time I've
20 actually seen something that makes some -- some sense
21 from a -- from at least a financial perspective as far
22 as the trend line goes. So, that was -- that was a
23 bit encouraging to see that that's -- that that came
24 out of this analysis as well.

25 Now, the -- the biggest assumption we

1 made here, in looking at the -- for the Choices and
2 the Transitional, for that matter, is that, of course,
3 it's dependent on what happens with the Choices
4 program. In this -- in -- for '08 currently, in
5 looking at the -- at the reductions in the Choices
6 Program as a percentage, we -- I was recommending that
7 we only consider a 10 percent decline from the current
8 year in establishing these numbers. If the -- if the
9 percent has more than that, of course, these will --
10 will be overstating a little bit; if it's less than
11 that, then we'll need to increase them.

12 So, at any rate, I think from a budget
13 perspective I think this makes some sense to go
14 forward with this as a recommended adjustment to our
15 direct Child Care strategies and want to present that
16 for your consideration. And if you have any
17 questions, I'll be happy to address those.

18 CHAIR RATH: No, I -- I think this makes
19 sense. I think we have to be sensitive that, if there
20 are any changes made in HHSC rules, then we stay on
21 top of that and -- and modify it, if appropriate. I
22 don't think it will happen in this fiscal year or the
23 upcoming fiscal year, rather, where we would see the
24 benefit of that. But I do think we need to be
25 vigilant on monitoring that.

1 Any questions?

2 COMM. LEHMAN: Yeah, I have no
3 questions. I -- and I agree. I mean, our -- our
4 rules still call for a -- a priority of care strategy.
5 We've just got to be attune to it if it changes.

6 MR. TOWNSEND: Thank you, Commissioners.
7 The -- the final note on Schedule 1
8 there, in terms of the changes I've already referenced
9 twice, that's on the C.1.2, Information Resources,
10 I -- I have identified in -- in two direct strategies
11 600,000 of the 1.8 million. The rest of the -- of the
12 difference is actually spread among the other
13 strategies, in terms of the -- the adjustment we make
14 to reclassify those budget items. So, that more
15 properly reflect them -- those costs as direct --
16 direct strategy costs.

17 The -- the final note I'll just make, as
18 far as changes from last week, in Schedule 3 last week
19 I presented a -- a crosswalk for your -- for your
20 information about the Regulatory Integrity Division.
21 I think since that time there was some -- some
22 discussion around separating out Adam's department --
23 Performance, Analysis and Reporting -- as a separate
24 line in our current -- in the new Regulatory Integrity
25 Division, which, from my perspective, seems to make

1 some good sense. So, I just reflected that in the
2 crosswalk table just to update that so you -- so all
3 your current budget materials are -- are in alignment
4 there.

5 So, with that, I -- I've already
6 discussed the allocation changes that would need to be
7 considered for your -- or considered this morning for
8 your approval. And then, as far as the '08 Operating
9 Budget, if you have any other questions, I'd be happy
10 to address those as you consider that for approval as
11 well.

12 CHAIR RATH: Are there any questions for
13 Mr. Townsend?

14 COMM. LEHMAN: My reviews have been
15 pretty comprehensive, and -- and I have at this point
16 no questions.

17 CHAIR RATH: Any questions?

18 COMM. CONGLETON: I have no questions.

19 CHAIR RATH: Very good.

20 Then, is there a motion -- if -- if
21 y'all -- however y'all want to proceed, perhaps we
22 could deal with the budget before us and then deal
23 with Allocations, or what do you think, Mr. Townsend?

24 MR. TOWNSEND: That would be -- I think
25 that would be appropriate to take each one of them

1 individual.

2 CHAIR RATH: Okay.

3 So, is there a motion to approve the '08
4 Operating Budget?

5 COMM. LEHMAN: So made.

6 COMM. CONGLETON: Second.

7 CHAIR RATH: And I agree. Thank you.

8 MR. TOWNSEND: Thank you.

9 CHAIR RATH: And congratulations.

10 MR. TOWNSEND: Thank you.

11 CHAIR RATH: Much easier than in prior
12 years. I think that, privately, I -- I observe that
13 very frequently, that we set up here with holepunchers
14 and paper, staplers that are vestiges of times gone
15 by, when we would have to schedule two and three
16 meetings and -- and wait and come back and wait for
17 papers to come hot off the press.

18 And I really salute your whole
19 department and the agency in its entirety, Mr. Temple,
20 for how well the budget process has moved forward
21 and -- and how there is a routine and a system to it.
22 And it's -- it's really come a long way from the old
23 days. So, my compliments to everybody.

24 MR. TOWNSEND: Thank you.

25 CHAIR RATH: And I -- I -- I just want

1 to comment I -- y'all make it look so easy, but I
2 think sometimes there is not the full appreciation of
3 this complexity of this agency's budget. And we're
4 told it's one of the most complex in state government.

5 When you stop and think we have six
6 federal partners and that we have, you know, 27, 28
7 programs with different ability to use those funds,
8 ranging from one year to three years, and numerous
9 additional grants from many different partners in
10 there, that it is very, very difficult. And so I -- I
11 salute everybody for the work that was done.

12 MR. TEMPLE: Commissioners, I also want
13 to thank the -- the Executive Team. There's a lot of
14 back-room negotiations that go on on this and --
15 particularly with IT and Finance and the Program
16 people. They've gotten to be good friends over the
17 years, but we have a process now that I think is
18 working much better than what we've had in the past.
19 And -- but I do want to recognize their -- their
20 efforts and their cooperation.

21 CHAIR RATH: And I think --

22 MR. TEMPLE: Good team.

23 CHAIR RATH: -- that's a very good
24 point, because they -- I think everyone, at least,
25 understands where the numbers come from. And they

1 might not like the end product of it, but I think that
2 it is at least -- there is clarity in -- in what the
3 costs are. So, I -- I commend y'all for that.

4 MR. TOWNSEND: Thank you.

5 CHAIR RATH: Okay. Allocations.

6 MR. TOWNSEND: Okay. The Allocations,
7 there's a separate tab for the Allocations. And as I
8 mentioned previously in the budget discussion, we have
9 made the change to the Dislocated Worker Formula.

10 Last week I highlighted for your just
11 consideration the -- the differences from your initial
12 planning estimates to the Allocations for '08, namely
13 being Child Care, the increased 9 million, and then
14 the -- unfortunately, the reduction in the -- in the
15 Food Stamp Employment and Training Program by about
16 700,000 or so to the State of Texas. And then the --
17 the good news on the RIO Program where the -- the
18 State Leg -- the Legislature approved our exceptional
19 item for an additional 1.4 million that's been
20 reflected in the -- in the Allocations or proposed
21 Allocations.

22 So, with -- with that, I believe, other
23 than the Performance portion that goes along with
24 this -- I mean, as far as the -- the financial
25 portion, I believe it's all pretty well identified

1 in -- in all the supporting schedules of the
2 Allocations. And we're ready to move forward, if --
3 unless you have questions about that.

4 CHAIR RATH: The schedule that we have
5 in our notebook would be unchanged from what's in the
6 documentation we have before us?

7 MR. TOWNSEND: That's right. It's -- it
8 is up to date.

9 CHAIR RATH: Thanks.

10 Any questions for Mr. Townsend on the
11 funds for the Allocations?

12 COMM. LEHMAN: No.

13 COMM. CONGLETON: No questions.

14 CHAIR RATH: Okay.

15 Then, Mr. Leonard, do you want to
16 address us about the targets?

17 MR. LEONARD: Chair, the material before
18 you is the same as what I presented last week. And in
19 the interest of time, I thought I would just let that
20 presentation stand on its own, unless you have any
21 questions.

22 CHAIR RATH: Any questions about the
23 targets?

24 COMM. LEHMAN: None.

25 COMM. CONGLETON: Well, of course, I

1 maintain my objection to the 10 Weeks. But with that
2 being said, I look forward to the (inaudible) and the
3 boards --

4 CHAIR RATH: I'm not -- just a second.
5 I'm not sure your mike is on.

6 COMM. CONGLETON: Oh, it's not on.
7 Well, that saved you a lot of trouble.

8 (Laughter)

9 COMM. CONGLETON: Just saying, I
10 maintain my objection to the 10 Week Reemployment
11 because of what it causes, and I move that we approve
12 the 2008 Operating Budget.

13 COMM. LEHMAN: Second.

14 CHAIR RATH: And I agree. And I'm
15 anxious to see, as we move forward with the -- the
16 different changes we're going to be making, how the 10
17 Week is implemented and the results we see this year.
18 Thank you.

19 So, the Operating Budget has been
20 approved. We now have just approved the FY '08
21 Workforce Board Allocations and Performance Targets.

22 MR. TOWNSEND: Thank you, Commissioners.

23 CHAIR RATH: So, very good. Thank
24 y'all.

25

1 AGENDA ITEM NO. 12

2 CHAIR RATH: Okay. And I believe that
3 the Business Process Redesign is going to come before
4 us next week. I don't think that's before us today.

5 AGENDA ITEM NO. 13

6 CHAIR RATH: And that brings us to
7 Workforce Board Nominees, and we have before us today
8 nominees from Golden Crescent, Cameron County, North
9 Texas and South East Texas. Are there any questions,
10 or is there a motion?

11 COMM. LEHMAN: I have no questions.

12 COMM. CONGLETON: No questions; move to
13 approve the nominees of Golden Crescent, Cameron
14 County, North Texas and South East Workforce Boards as
15 presented.

16 COMM. LEHMAN: Second.

17 CHAIR RATH: And I agree.

18 And I would just observe that South East
19 really does need to improve their demographics,
20 particularly with the challenges they have in that
21 area. I think the diversity of their board does need
22 to more closely reflect the diversity of the
23 community. And, yet, they -- having said that, they
24 do have a really good board functioning, also.

25 And I hope that some of the

1 reappointments that have never used the system before
2 will begin to use it more widely, because I have a
3 hard time understanding how you can have 130 employees
4 and have never used the system at all. So, with that,
5 we look forward to the new ones joining us and the old
6 ones continuing.

7 AGENDA ITEM NO. 14

8 CHAIR RATH: Mr. -- nothing with state
9 or federal issues, Mr. Lewis.

10 AGENDA ITEM NO. 15

11 CHAIR RATH: And that brings us to
12 Mr. Temple.

13 MR. TEMPLE: One quick note.

14 Commissioners, yesterday, the Governor's
15 Office called an all agency meeting relative to
16 Hurricane Dean and beyond the -- kind of the format
17 for how the Governor's Office and -- wants to
18 coordinate the efforts for any of the disaster events.
19 We're -- we're still looking at possible rain and
20 maybe even some tornado activity that could be spurred
21 by -- by Dean.

22 But as everyone knows, it looks like
23 we -- we certainly have escaped the brunt of -- of
24 that hurricane. But it did bring to -- to light our
25 collective efforts on a state level. I -- I think

1 that, you know, amounts of prevention certainly came
2 into play here.

3 I think that's going to be what we're
4 going to see. I want to thank the boards for their
5 advanced work and understanding that we -- some of
6 these will be drills, but I think it -- practice makes
7 perfect for certain.

8 And the other thing that I -- I -- I did
9 notice, that we all thought we were prepared and
10 everyone was talking about what we've done. But Parks
11 and Wildlife, when they said they had a couple hundred
12 people with five-day rations to be self-sufficient in
13 the field with gas, food, water, batteries, radio
14 phones and all that -- so, okay. Well, they -- they
15 take the cake for being ready.

16 So -- but it -- it -- it's a good thing
17 that all the buses can now go back and help kids get
18 into school next week, because they were all in
19 San Antonio and McAllen and whatnot this week. So --
20 but, otherwise, that's -- that's all we have.

21 Thank you, Commissioners.

22 CHAIR RATH: Very good.

23 Any questions for Mr. Temple?

24 COMM. LEHMAN: Well, actually, yeah, I
25 do have one. It brings to mind -- my understanding

1 was that, assuming the storms had hit, that
2 individuals that are evacuees of the storms were going
3 to have some type of an RFID or wireless identifier.
4 Have we -- have we confirmed that, and do we know what
5 that means to us?

6 MR. TEMPLE: Each bus had a -- had one
7 of those identifiers, had -- had a -- had a G -- GPS
8 system on it. They had a bar code on the -- on the
9 bus itself, and they had bracelets with everyone
10 barcoded. And as they got on and off buses or the
11 plan, when they would go into or out of a center,
12 that, as they went by, it would be read so they could
13 track -- similar to a UPS or a Fed Ex package,
14 basically, is what they were looking at.

15 (Laughter)

16 COMM. LEHMAN: And -- and so, from a
17 workforce services perspective, we would still be
18 dealing with a sheet of paper as a -- as an output
19 from the bar code. Right?

20 MR. TEMPLE: Correct.

21 COMM. LEHMAN: Okay. Okay. Thank you.

22 CHAIR RATH: Any questions?

23 COMM. CONGLETON: No, but I could tell
24 you, since Katrina and Rita, this -- we've made
25 monumental movement towards making the state safe --

1 the state safer, and I commend the Governor and his
2 staff and -- and -- and you and your staff, as well.

3 CHAIR RATH: Very good.

4 Thank you.

5 Do you have anything today before going
6 into Executive Session?

7 COMM. LEHMAN: No, I do not.

8 CHAIR RATH: Thank you.

9 Do you have anything?

10 COMM. CONGLETON: Nothing.

11 AGENDA ITEM NO. 16

12 CHAIR RATH: Okay. If there's nothing
13 else, then we'll go into Executive Session pursuant to
14 Government Code 551.074(a)(1) to discuss the
15 appointment, employment, evaluation, reassignment,
16 duties, discipline or dismissal of the Executive
17 Director and according to Government Code
18 551.074(a)(1) to discuss the appointment, employment,
19 evaluation, reassignment, duties, discipline or
20 dismissal of the Internal Auditor. And it is 10:06.
21 Thank you.

22 (Executive Session: 10:06 a.m. to
23 10:42 a.m.)

24 CHAIR RATH: Okay. We'll go ahead and
25 come back into regular session, and it is 10:42. And

1 we will have some discussion and possible action of
2 the agenda items we had.

3 Commissioner.

4 COMM. CONGLETON: We have a -- I will
5 make a motion to commend Fran for her dedication to
6 this agency and for the -- her ability. She has
7 sacrificed and went back and taken over the Internal
8 Audit, brought them up to full steam and done a great
9 job.

10 COMM. LEHMAN: And I'll second that.

11 CHAIR RATH: And I agree.

12 Very good. So, we commend our Internal
13 Auditor, and we are very appreciative for the service
14 you're rendering to this agency.

15 MS. CARR: Thank you.

16 CHAIR RATH: Thank you.

17 Is there another motion?

18 COMM. LEHMAN: Commissioners, I'd like
19 to offer a commendation to Larry Temple for his
20 leadership and the accomplishments of the agency under
21 his leadership and -- and include with that a salary
22 increase, taking the new salary to 137,5.

23 COMM. CONGLETON: And I'll second that.

24 CHAIR RATH: And I agree. Very good.

25 Oh -- and -- and I would say that each

1 of us are going to visit, I believe, with the
2 Executive Director individually to discuss some
3 specific interest of concerns to each of us, also.

4 MR. TEMPLE: (Nodding)

5 CHAIR RATH: Very good.

6 Anything else to -- oh, I agree. So,
7 the raise is 137,5.

8 MR. TEMPLE: Thank you.

9 CHAIR RATH: So, anything else to come
10 before us today?

11 COMM. LEHMAN: Nothing.

12 CHAIR RATH: If there's nothing --

13 COMM. CONGLETON: I have nothing.

14 AGENDA ITEM NO. 18

15 CHAIR RATH: Very good. Then, it's
16 10:44, and we will stand adjourned.

17 (Meeting adjourned: 10:44 a.m.)

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