

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

WEDNESDAY, SEPTEMBER 12, 2007

BE IT REMEMBERED THAT at approximately
9:03 a.m., Wednesday, the 12th day of September, 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

WEDNESDAY, SEPTEMBER 12, 2007

(9:03 a.m.)

AGENDA ITEM NO. 1

CHAIR RATH: Okay. We'll come to order,
and I'm sorry I'm scurrying in. 35 was shut, and I
think we have one case that's being walked in.

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. 954311-2 on a future
docket and to sending a letter of continuing
jurisdiction.

AGENDA ITEM NO. 3

Discussion, Consideration and Possible
Action Regarding Tax Liability Cases Listed on the
Texas Workforce Commission Docket 37
The Commission considered and took
action on all tax liability cases listed on Docket 37.

1 AGENDA ITEM NO. 4

2 Discussion, Consideration and Possible
3 Action Regarding Higher Level Appeals in Wage Claim
4 Cases Listed on the Texas Workforce Commission
5 Docket 37

6 The Commission considered and took action on
7 all Wage Claim Cases listed on Docket 37.

8 AGENDA ITEM NO. 5

9 Discussion, Consideration and Possible
10 Action Regarding Higher Level Appeals in Unemployment
11 Compensation Cases Listed on the Texas Workforce
12 Commission Docket 37

13 The Commission considered and took
14 action on all Unemployment Compensation Cases listed
15 on Docket 37.

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

18 CHAIR RATH: Okay. I think we're ready,
19 and we'll continue with our agenda.

20 AGENDA ITEM NO. 6

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

23 MR. BALLARD: No, there isn't.

24 CHAIR RATH: Okay.

25

1 AGENDA ITEM NO. 7

2 CHAIR RATH: And I don't believe No. 7
3 is ready yet for discussion.

4 AGENDA ITEM NO. 8

5 CHAIR RATH: So, that brings us to the
6 special initiative for foster youths, Ms. Verver.

7 MS. VERVER: Good morning, Chair Rath,
8 Commissioners; Nicole Verver, Workforce Development.

9 At the May 1st Commission Meeting the
10 Commissioners requested that staff research transition
11 center expansion opportunities that could replicate
12 the Houston Alumni and Youth Center, the HAY Center,
13 in other areas of the state. Staff met with the --
14 with staff from the Department of Family and
15 Protective Services and with the Casey Family Program
16 to explore the expansion and enhancement of foster
17 care -- or foster youth transition centers.

18 Our discussions from the meetings
19 primarily focused on the level of need for the
20 transition centers and the viable locations as
21 determined by DFPS data indicating the largest number
22 of underserved foster youth. Data provided by DFPS
23 forecasts an annual average of 1500 foster youth in
24 '08 and 1600 in '09 will either age out or emancipate
25 from foster care. Currently, there are not enough

1 transition centers to meet the needs on the -- for
2 these youth.

3 Staff recommends setting aside 600,000
4 in TANF funds to -- funds to fund a center in EL Paso
5 and in Beaumont for two years. Both of these areas
6 have necessary community infrastructure in place and
7 have recently started planning for a true transition
8 center for foster youth.

9 The proposed centers would be expected
10 to provide services that are similar to the HAY Center
11 in Houston. In addition, staff recommends setting
12 aside 400,000 in TANF funds to conduct a two-year
13 pilot study or a pilot project designed to provide
14 transition center services for foster youth in a
15 smaller urban or rural area where no other services
16 are available.

17 At this time, I'd be glad to answer any
18 questions.

19 CHAIR RATH: I really -- I really
20 appreciate the work that y'all have done on this
21 because, clearly, foster care is one of the crises
22 this state is dealing with. And I think the HAY
23 Center is such a tremendous demonstration of what can
24 happen when partners pull together and to have such a
25 willing partner in the Casey Foundation, that they're

1 really willing to reprioritize. Considering all the
2 national demands on their resources, I think it's
3 very, very significant and -- and speaks to the high
4 caliber of this project and also the necessity of the
5 services.

6 So, I'm very much in favor of it. But I
7 would ask if there's any way we could, perhaps, give
8 some technical assistance or peer-to-peer assistance
9 or something to help those other areas where they
10 don't really have a community coming together, such
11 as, you know, Panhandle, South Plains in the lower --
12 South Texas and North East and Permian Basin, if we
13 can kind of see if there's something we can do so that
14 they might be able to function as a convener in those
15 communities to start a little groundwork, too.

16 MS. VERVER: Absolutely. We will look
17 at that, definitely.

18 CHAIR RATH: Thanks.

19 COMM. LEHMAN: I have no questions. I
20 agree with the observation that this work needs to be
21 done.

22 COMM. CONGLETON: And I agree with it,
23 also.

24 CHAIR RATH: Very good. Then, I think
25 you have a consensus to approve the initiative for the

1 expansion of additional foster youth transition
2 centers with the associated funding. Okay.

3 MS. VERVER: Thank you.

4 CHAIR RATH: Thank you.

5 AGENDA ITEM NO. 9

6 CHAIR RATH: Next, we have the
7 interagency agreement with TEA to manage the early
8 childhood education partnership.

9 MS. VERVER: Okay. Again, for the
10 record, Nicole Verver, Workforce Development.

11 Today for your consideration is an
12 interagency contract between the Texas Workforce
13 Commission and the Texas Education Agency that will
14 assist in implementing Section 19.111 of the General
15 Appropriations Act from the 80th legislative session.
16 Section 19.111 appropriates 1 million in federal Child
17 Care and Development Funds in Fiscal Year '08 and 1
18 million in Fiscal Year '09. These funds are to be
19 used for the management of early childhood education
20 partnership projects, including the award of stipends
21 to facilitate the increased participation in
22 professional development by early childhood education
23 professionals.

24 The IAC with TEA is a 12-month contract
25 scheduled to begin this September. It requires TEA to

1 establish criteria for awarding the stipends,
2 establish training provider standards and establish
3 measurable objectives and expected results.

4 Staff recommends the approval of the IAC
5 with TEA to implement 19.111.

6 CHAIR RATH: Over the weekend I had a
7 question about this, and I apologize for not bringing
8 it to y'all sooner. And maybe it's in here, and I --
9 I just missed it. But it seemed that every -- all the
10 information we're requesting is more prospective and
11 not -- does not evaluate the results enough.

12 And I think, based upon our project
13 where we funded education for child care providers and
14 it was a dismal failure, I'm very interested in the
15 ultimate success because the premise is that, if we
16 assist in this -- not we, meaning TWC, but if the
17 funding is available to assist people to get
18 additional professional development, then they're
19 going to stay in the field, they're going to advance
20 up a career ladder, they're going to be better
21 outcomes. And I didn't see where some of those
22 retention measures --

23 MS. VERVER: Okay.

24 CHAIR RATH: -- and I might have just
25 missed them.

1 But I think we really be -- do need to
2 make sure that we collect -- and I don't know if -- if
3 the MOU is the place to get it, but I want to make
4 sure that the framework is the place to collect the
5 data to really judge the effectiveness of it
6 long-term, on retention, on salary, on associated
7 benefit packages, in order to see if this investment
8 of funds is worthwhile.

9 MS. VERVER: We certainly can add that
10 in as a deliverable into the contract, uh-huh.

11 CHAIR RATH: Because if -- if -- I -- I
12 hope it does not repeat our earlier experience. But I
13 think, at least the way I read what's to be provided
14 to us, we really have no way of judging that.

15 MS. VERVER: Okay.

16 CHAIR RATH: Thank you.

17 MS. VERVER: Uh-huh.

18 CHAIR RATH: Any questions, or is
19 there --

20 COMM. CONGLETON: I have no questions --

21 CHAIR RATH: -- a motion?

22 COMM. CONGLETON: -- and I move to
23 authorize Mr. Temple to execute the -- the discussed
24 interagency contract on early childhood education
25 projects with the added language that you provided.

1 CHAIR RATH: Thank you. Thank you.

2 COMM. LEHMAN: Acknowledging the
3 importance of this work with child care, I agree and
4 second the motion.

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

7 MS. VERVER: Thank you.

8 AGENDA ITEM NO. 10

9 CHAIR RATH: And I think the IBPR is not
10 ready yet today.

11 AGENDA ITEM NO. 11

12 CHAIR RATH: And that brings us to
13 Workforce Board Nominees, and we have before us
14 nominees from Alamo, North Central, North Texas and
15 Coastal Bend. Is -- are there any questions, or is
16 there a motion?

17 COMM. LEHMAN: I --

18 COMM. CONGLETON: I have no questions,
19 and I move to approve the nominees from Alamo, North
20 Central Texas, North Texas and Coastal Bend as
21 presented by staff.

22 COMM. LEHMAN: And I will second the
23 motion with one exception. I'm okay with Alamo and
24 North Central and North Texas. On Coastal Bend,
25 Candidate No. 1, I cannot support that nominee on the

1 basis of a -- of the industry composition of the
2 board.

3 I make the observation that adding
4 another nominee or another -- another board member to
5 the professional/technical category raises that total
6 number of members of the board to six, which is 35
7 percent of the board, representing 4 percent of the
8 workforce. And as I look at their employer
9 composition, I see 1212 employers from the retail
10 sector with no representation, 1141 from accommodation
11 of food with no representation, 700 from construction
12 with only one representative and 866 employers from
13 healthcare.

14 And I guess I'm really concerned about
15 the industry composition of this board. So, I
16 withhold my support for Nominee No. 1.

17 CHAIR RATH: Thank you. And I approve
18 all of them. I agree that they need better
19 demographics, but I think the background and awareness
20 of this individual will certainly contribute to the
21 performance of the board.

22 So, I welcome her. I know she's been
23 prioritized by the elected officials, and I think she
24 will bring a great deal of knowledge that will benefit
25 the board as a whole.

1 So, with that, the nominees from Alamo,
2 North Central, North Texas and Coastal Bend are
3 approved.

4 AGENDA ITEM NO. 12

5 CHAIR RATH: Okay. And we have nothing
6 for state or federal issues.

7 AGENDA ITEM NO. 13

8 CHAIR RATH: And that brings us to
9 Mr. Temple, because you've got some information.

10 MR. TEMPLE: Thank you, Commissioners.
11 We have three reports.

12 Nicole Verver is going to give you an
13 update on our TYC interagency initiative, as well an
14 update on the non-custodial parent initiative that we
15 have underway with the Attorney General's Office, some
16 good news there.

17 Nicole.

18 CHAIR RATH: Okay.

19 MS. VERVER: Again, for the record,
20 Nicole Verver, Workforce Development.

21 This morning I want to take -- take the
22 opportunity to update you on the Texas Youth
23 Commission Outreach initiative. Since April, the
24 Texas Youth Commission has released approximately 1100
25 incarcerated youth; 300 of these have been in the last

1 two -- two months.

2 In an effort to assist these youth, TWC
3 started outreaching these youths in -- youths in early
4 April letting them know what services are available to
5 them and their families at the workforce centers. The
6 outreach effort has been a coordinated effort between
7 TYC juvenile parole officers and our local workforce
8 boards. TYC has provided youth with referrals to the
9 workforce centers, and many of the youth have received
10 staff assisted and intensive services.

11 The recent automation enhancements
12 between TYC and TWC, made as -- made as a result of
13 2837, has also helped with the outreach efforts.
14 Based on our recent conversations with TYC, they are
15 not anticipating another mass release of youth
16 offenders at this time; however, they will keep us
17 updated as they work through their internal
18 organizational structure and policies.

19 At this time, I'll be glad to answer any
20 questions.

21 CHAIR RATH: You -- I know you
22 referenced that there -- there has been outreach
23 occurring. Can we quantify like how many we've served
24 or how many were enrolled in WIA Youth or -- and you
25 might not have it now, if you want to just get it to

1 all of us later.

2 MS. VERVER: Yes, ma'am. We are -- we
3 do capture that information in TWIST. The numbers
4 have not been very high as the youths' needs have
5 really been primarily focused around housing, food,
6 medical and so forth. And so what we're providing is
7 really secondary in nature, in terms of education and
8 training.

9 But we certainly can provide that for
10 you. I'll be glad to share that with you.

11 CHAIR RATH: Any questions?

12 COMM. LEHMAN: (Shaking head)

13 CHAIR RATH: Commissioner?

14 COMM. CONGLETON: No questions.

15 CHAIR RATH: Thank you.

16 MS. VERVER: Okay.

17 This morning I also wanted to update you
18 on the Non-custodial Parent Choices demonstration
19 project. As you know, this is a joint effort between
20 the Texas Office of the Attorney -- Attorney General,
21 T -- the Texas Workforce Commission and our local
22 courts. We've been piloting this in five workforce
23 areas over the last three years.

24 The project targets low-income,
25 unemployed or underemployed non-custodial parents with

1 unpaid child support payments and whose children are
2 former or current recipients of public assistance.
3 The goal of the NCP is to gain employment so that they
4 can better meet -- meet the needs of their financial
5 obligations of their children. NCPs are ordered by
6 the courts who either participate in the program or
7 are subject to jail time as directed by their local
8 courts.

9 The project has been very successful
10 increasing both the child support collections and NCP
11 employment, and we'll be recognized by the
12 Administration for Children and Families' Office of
13 Child Support Enforcement this week at the 17th
14 National Child Support Enforcement Training Conference
15 in Washington D.C. Texas' OAG will be accepting the
16 award for "Most Innovative Collaboration" on behalf of
17 the state.

18 At this time, I'll be glad to answer any
19 questions.

20 CHAIR RATH: Again, I think it's just a
21 great project. I mean, the results that y'all shared
22 with us several months ago were really exciting and
23 they continue.

24 MS. VERVER: Uh-huh.

25 CHAIR RATH: Is there any thought

1 getting to expand it beyond those five areas within
2 the state and to make it statewide? Or what -- what
3 did -- and you don't need to respond now, but what
4 would it take to expand it?

5 MS. VERVER: Oh, we -- we certainly can
6 look into that and get back with you.

7 CHAIR RATH: Thanks.

8 Questions?

9 COMM. LEHMAN: No questions.

10 COMM. CONGLETON: No questions.

11 CHAIR RATH: Thank you.

12 MR. TEMPLE: And, finally,
13 Commissioners, I -- we sent to you yesterday, and your
14 staff, a draft copy of the Department of Labor-OIG
15 review of the National Emergency Grant review, and we
16 are talking to them now on some of the language to
17 where it's more reflective of -- of the efforts of --
18 of our system and the -- the progress that -- that we
19 were able to make, the performance that was
20 extraordinary.

21 So, at this point, that draft did not
22 quite meet our expectations of -- of -- of capturing
23 exactly the essence of -- of the extraordinary effort
24 that -- that our -- our board partners and -- and our
25 state employees did. So, we'll keep you updated on

1 the Department of Labor should take credit. And,
2 clearly, I'm extraordinarily proud of what this agency
3 and the boards did, and I think we need to be very
4 strong in telling that story.

5 COMM. LEHMAN: Yeah, I would echo that.
6 I think, from the very first moment we knew the storms
7 were coming and were going to cause this problem, we
8 took on a can-do attitude, and I would hope that
9 report captures that can-do attitude, for one. And,
10 two, it certainly needs to reflect the fact that we
11 were -- we were open to expediting services to
12 individuals while still paying the proper homage to
13 the need to -- proper documentation and so on but not
14 obsessing over the documentation to the detriment of
15 the services and timely responses to those candidates
16 or those in -- most in need.

17 COMM. CONGLETON: Well, hindsight is
18 20/20. And, you know, it's a little different when
19 you're trying to take care of several hundred thousand
20 people who some of them only had the clothes on their
21 back and no proper paperwork at all.

22 We -- a state agency took on what the
23 federal government should have been doing. I think we
24 did an outstanding job. We may not have crossed every
25 "i" -- dotted every "i" and crossed every "t", but I

1 commend all of our folks for what they did.

2 MR. TEMPLE: Thank you, Commissioners.

3 And we're -- we will relay those in our comments when
4 we prepare our responses.

5 And that's all I have.

6 CHAIR RATH: Very good.

7 Do you have anything?

8 COMM. LEHMAN: No, I do not.

9 CHAIR RATH: And do you have anything?

10 COMM. CONGLETON: No, I'm fine. Thank
11 you.

12 MR. TEMPLE: I -- I would -- I would
13 offer an observation that people are sentenced to TWC
14 in the non-custodial parent. So, that's no reflection
15 of how bad a place this is to work.

16 (Laughter)

17 CHAIR RATH: And -- and could we also
18 work with the OAG to make sure that, once we have the
19 award, that a release is done, at least within the
20 state, publicizing that? Maybe we'll be successful in
21 that endeavor. So, thank you.

22 Anything else?

23 (No response)

24 AGENDA ITEM NOS. 15 & 16

25 CHAIR RATH: Well then, if there's

1 nothing else, we will stand adjourned. And we don't
2 meet next week, if I remember, because of NASWA.

3 MR. TEMPLE: NASWA.

4 CHAIR RATH: And just to remind
5 everybody that our esteemed Executive Director will be
6 installed next week as president of NASWA. So, we
7 very much look forward to that.

8 MR. TEMPLE: Thank you.

9 CHAIR RATH: And we're now recessed.

10 (Meeting adjourned: 9:41 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of 2007.

JANIS SIMON
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