

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

MONDAY, OCTOBER 1, 2007

BE IT REMEMBERED THAT at approximately
1:00 p.m., Monday, the 1st day of October, 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 MONDAY, OCTOBER 1, 2007

3 (1:00 p.m.)

4 AGENDA ITEM NO. 1

5 CHAIR RATH: Okay. I think we'll go
6 ahead and come to order, and the first thing we have
7 is Tax Liability.

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 40

20 The Commission considered and took
21 action on all tax liability cases listed on Docket 40.

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 40

2 The Commission considered and took action on
3 all Wage Claim Cases listed on Docket 40.

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 40

9 The Commission considered and took
10 action on all unemployment compensation cases listed
11 on Docket 40.

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

14 CHAIR RATH: Now, we'll go ahead and
15 resume our agenda.

16 AGENDA ITEM NO. 6

17 CHAIR RATH: Do we have anyone signed up
18 for public comment?

19 MR. BALLARD: No, we do not.

20 AGENDA ITEM NO. 7

21 CHAIR RATH: And Item 7 is not quite
22 ready.

23 AGENDA ITEM NO. 8

24 CHAIR RATH: So, that brings us to Item
25 No. 8, which is the FY '08 Migrant Farm Workers.

1 Hello, Ms. Miller.

2 MS. MILLER: Good afternoon, Chair Rath,
3 Commissioners. This afternoon we are bringing forward
4 recommendations for the distribution of 254,000 that
5 you approved as part of the FY '08 budget to provide
6 enhanced outreach services to the migrant and seasonal
7 farm worker population.

8 These funds have been made available
9 over the past several years to workforce areas with
10 what we call MSFW Significant Offices, and this
11 classification as a significant office is based upon
12 the proportion of MSFWs that are served. And that is
13 at least 10 percent of the ES population in an office
14 are MSFWs, and the four areas with significant offices
15 in Texas are South Plains, Upper Rio, Lower Rio and
16 Middle Rio.

17 In reviewing the data we did note that
18 there are two additional workforce areas with a large
19 total number of MSFWs; that's Cameron and South Texas.
20 And even though they're -- they're total number of
21 MSFW served is large, they're not currently considered
22 to have significant offices, because none of their
23 individual workforce centers meets that 10 percent
24 threshold.

25 So, today we are providing two options

1 for funding. Option A looks only at the four
2 workforce areas with significant offices, and Option B
3 looks at the six workforce areas with the largest
4 total number of MSFWs.

5 I do want to point out both of these
6 options consider two factors in the distribution. We
7 looked at the number served and at the estimated
8 population. In past years you've used these factors
9 independently of each other; however, we are
10 recommending evenly weighting both of these.

11 The -- the population served is based
12 upon a -- a recent 12-month period, and the estimated
13 population is based upon 2000 data that estimates
14 population. We think using population is critical,
15 but we also recognize that the 2000 data may not be as
16 up to date as it needs to be. So, we have begun
17 discussions with Finance to see if we can collect some
18 more recent census data through our contract that we
19 have with the State Data Center.

20 Staff is recommending Option B. We
21 believe that distributing it to the six boards with
22 the highest numbers will demonstrate a commitment to
23 outreaching all MSFWs regardless of whether or not an
24 individual office has a high proportion of that
25 population.

1 CHAIR RATH: Thank you. I -- I will say
2 I'm hoping that the third time we're going to get the
3 formula right that works best. And I thought that,
4 for me, Option B makes a lot of sense.

5 I think that, because of the Court
6 settlement, the responsibilities we have to serving
7 migrant workers and the profound impact they have upon
8 the areas in which they reside, and since we have some
9 funds that are not being -- being fully utilized, it
10 clearly appears that we have funding availability to
11 allow more boards to access it.

12 COMM. LEHMAN: I'm -- I see a couple
13 things. I think this is a great opportunity for some
14 regional collaboration, but I'm okay with Option B.
15 And I do believe that increased focus is -- is
16 deserved on making sure that all the funds are
17 expended.

18 So, I think Option B for -- for now is a
19 good one.

20 COMM. CONGLETON: And I move to approve
21 Option B.

22 COMM. LEHMAN: Second.

23 CHAIR RATH: And I agree.

24 MS. MILLER: Thank you.

25 CHAIR RATH: Thank you.

1 AGENDA ITEM NO. 9

2 CHAIR RATH: Okay. And that bring us to
3 Workforce Nominees, and we have before us nominees
4 from Dallas, North East, Middle Rio and Concho. Are
5 there any questions, or is there a motion?

6 COMM. LEHMAN: I have no questions. I'm
7 not thrilled with the industry distribution of the
8 Dallas Board, but I do see the substantial
9 representation in each of those industries. And so at
10 this time I'm okay with the nominees for each of the
11 boards, and I'll offer a motion to support them.

12 COMM. CONGLETON: And I'll second.

13 CHAIR RATH: And I agree, except I'm not
14 going to vote for the reappointment of the No. 1 under
15 Dallas. I believe that for an individual that's been
16 serving on the board, he's VP of HR for a 5,000
17 employee construction company and to have not used our
18 system in the past year, I find somewhat mystifying.

19 And -- though I am very pleased that
20 Dr. Lassiter is joining the board. I think his
21 insight will be very -- is being reappointed, because
22 I think his continued access to the board is very
23 good, although I would, once again, remind Dallas that
24 their demographics are very, very troublesome.

25 And I would just mention that Middle Rio

1 Grande continues to need someone for the ag industry,
2 especially as profound as that employer is in that
3 area. But, with that said, all of the nominees are
4 approved.

5 AGENDA ITEM NO. 10

6 CHAIR RATH: Anything on federal or
7 state issues?

8 MR. LEWIS: No, ma'am.

9 CHAIR RATH: Okay. Thanks.

10 AGENDA ITEM NO. 11

11 CHAIR RATH: And, Mr. Temple, do you
12 have anything? I know you don't have a staff report,
13 but do you have anything to share with us?

14 MR. TEMPLE: I didn't. But since we
15 sent the note out that we weren't having staff
16 reports, we did receive electronically the final State
17 Auditor's Report on the Choices program. And for
18 those listening at the board level --

19 CHAIR RATH: Can I just say I don't
20 think it's released yet. Is it?

21 MS. CARR: No.

22 MR. TEMPLE: Has it not been?

23 MS. CARR: (Inaudible).

24 MR. TEMPLE: I -- I -- I -- I -- I stand
25 corrected.

1 CHAIR RATH: That's okay.

2 (Laughter)

3 MR. TEMPLE: Thank you, Fran.

4 (Laughter)

5 MS. CARR: Wednesday.

6 CHAIR RATH: Yeah.

7 MR. TEMPLE: Wednesday.

8 CHAIR RATH: Uh-huh. The 3rd is it's
9 formal release date. Thank you.

10 MR. TEMPLE: We will share with the
11 boards when we get that.

12 CHAIR RATH: That's very -- yeah, I was
13 thinking the same thing. That's the reason I
14 remembered, because I carefully paid attention to that
15 date for just exactly that reason.

16 COMM. CONGLETON: I've never seen
17 anybody crawfish with such class.

18 (Laughter)

19 MR. TEMPLE: I -- I've had a lot of
20 practice.

21 (Laughter)

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

24 COMM. LEHMAN: No, it can wait. Thank
25 you.

1 CHAIR RATH: Commissioner?

2 COMM. CONGLETON: Nothing. Thank you.

3 CHAIR RATH: I have a couple of things.

4 One is I -- I know that staff has had
5 some conversations. But I just really wanted to urge
6 staff to investigate some of the different electronic
7 tools that are on the market helping us to detect
8 misclassified employees, particularly those that are
9 independent contractors, that are not appropriately
10 classified as employees. I know there's a couple of
11 tools out there, and I think that is a -- an
12 absolutely exploding problem.

13 We used to never see it 10 years ago.
14 And -- and, clearly, now it's very, very, very common.
15 So, I think anything we can do to take advantage of
16 that would be helpful.

17 The other thing is I really want to
18 thank Internal Audit for the work they did on the UI
19 Appeals. I think they came up with a very thoughtful
20 report, and -- and I know Mr. Temple has -- has
21 received it and is reviewing it. And -- and I just
22 think that in this age of such significantly shrinking
23 resources, that we have to take advantage of all
24 efficiencies and opportunities to avail ourselves
25 of -- of any electronic means possible.

1 And I, personally, hope that we'll
2 review electronic appeals and think if that would be
3 appropriate. It -- it seems that it's working very
4 well as we continue to expand our use of electronics,
5 and I know there's different issues with Appeals. But
6 I -- I do think we owe it to good customer service and
7 ourselves sufficiently to review that.

8 I think, when we have about 40 percent
9 of our claimants who are filing their initial claims,
10 that there are some opportunities that not only is
11 more efficient but keeps us from having to do a lot of
12 stuff afterwards. So, we look forward to seeing the
13 result after y'all have a chance to really review it
14 and -- and study it some.

15 AGENDA ITEM NO. 14

16 CHAIR RATH: Very good. If there's
17 nothing else, and this was an easy week, we will stand
18 adjourned.

19 (Meeting adjourned: 1:27 p.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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