



**MEETING OF THE  
TEXAS WORKFORCE COMMISSION**

**DATE**

**FEBRUARY 23, 2021**

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TUESDAY, FEBRUARY 23, 2021

CHAIRMAN DANIEL: Well, good morning, all, this meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Good morning, Commissioners. We have no registrants for public comment this morning.

CHAIRMAN DANIEL: Thank you very much. Good morning, Ms. Miller.

MS. MILLER: Good morning, sir.

CHAIRMAN DANIEL: Thank you. This brings us to the end of Agenda Items 2 through 7. Let's pause for a few minutes to reset for the rest of the meeting.

[pause 01:14:52 to 01:16:32]

CHAIRMAN DANIEL: You guys ready?

COMMISSIONER ALVAREZ: Yes, sir.

CHAIRMAN DANIEL: The staff doesn't have any to report under Agenda Item 8. Agenda Item 9 is discussion, consideration, and possible action regarding vocational rehabilitation substance use disorders services.

MR. VADEN: Good morning, commissioners. For the record, Jason Vaden, Vocational Rehabilitation Division. Currently vocational rehabilitation substance use [inaudible] services are provided for individuals who are eligible for the [inaudible] and who have been clinically diagnosed with a substance use and meet the requisite criteria to receive such

1 services. In addition, customers must maintain and document a  
2 minimum of 30 days of sobriety before eligibility determination,  
3 and be actively participating in treatment or receiving other  
4 supports to maintain sobriety. Customers must also continue to  
5 meet the required eligibility criteria to continue receiving  
6 these services funded by VR. While the 30-day sobriety provision  
7 and the continuance of sobriety have been longstanding policies,  
8 it's prevented VR from taking advantage of opportunities to  
9 fully engage with and assist both potential and existing  
10 customers. In accordance with the flexibility provided in  
11 federal regulations and after a scan of other state policies,  
12 and in review of evidence-based approaches, staff seeks  
13 direction on removing the policy requirement for a customer to  
14 maintain and document 30 days of sobriety before eligibility  
15 determination, and to remove the requirement that services be  
16 placed on hold in the event of a relapse. Instead, customers  
17 will be expected to recognize their disability and understand  
18 the need for services, to participate in treatment in the VR  
19 program, and make progress in completing their treatment and  
20 achieving goals as established in their employment plan, as set  
21 forth in your materials. This approach will align with our  
22 partner agencies that serve individuals with substance use  
23 disorders, often co-occurring with mental illness and  
24 [inaudible] better coordinate services to joint customers.

25

1 Commissioners, this concludes my remarks, and I'm happy to  
2 answer questions if you have any.

3 CHAIRMAN DANIEL: Any questions or comments?

4 COMMISSIONER ALVAREZ: None here, Chairman.

5 COMMISSIONER DEMERSON: None here.

6 CHAIRMAN DANIEL: Do we have a motion?

7 COMMISSIONER ALVAREZ: Chairman, I move that  
8 we remove the policy requirements for a vocational  
9 rehabilitation customer to document 30 days of sobriety to  
10 receive VR services, and remove the requirement that services be  
11 placed on hold in the event of a relapse. Instead, customers  
12 will be expected to recognize their disability and understand  
13 the need for services, participate in treatment in the VR  
14 program, and make progress in completing their treatment and  
15 achieving goals established in their employment plan as  
16 presented by staff.

17 COMMISSIONER DEMERSON: Second that motion.

18 CHAIRMAN DANIEL: So moved and seconded, I  
19 think the vote's unanimous. This brings us to Agenda Item 10,  
20 discussion, consideration, and possible action regarding new  
21 certification and recertification of community rehabilitation  
22 programs to participate in the purchasing from people with  
23 disabilities state-use program.

24 MR. GARCIA: Good morning, commissioners,  
25 Mr. Serna. Juan Garcia with the Voc Rehab program. Texas human

1 resources code section 122.01(3) requires the Texas Workforce  
2 Commission to establish rules for the certification of community  
3 rehab programs to participate in the purchasing from people with  
4 disabilities program. Concurrently, chapter 806.41 of the Texas  
5 administrative code sets requirements for participation in the  
6 program and subsequent adherence to those requirements when a  
7 CRP has been certified. CRPs must reapply every three years,  
8 prior to the expiration on the certificate. PPD staff reviews  
9 each completed application and required documentation, and if  
10 acceptable makes recommendations to the commission for approval.  
11 The PPD program has reviewed applications for the following two  
12 CRPs wishing to receive initial certification and eight CRPs  
13 wishing to continue participation in the PPD program through  
14 recertification. With respect to the new certifications, we have  
15 two CRPs--Training, Rehab, and Development Institute from San  
16 Antonio, and L&V Enterprise Resources from Houston. With respect  
17 to the recertifications, we have eight CRPs: Spindletop from  
18 Beaumont, Goodwill Industries of Houston, Redirection  
19 Opportunities from Ft. Worth, RG&G Construction Services from  
20 Weslaco, Rucon Inc. from Huntsville, San Antonio State Supported  
21 Living Center from San Antonio, Second Chances from Humboldt,  
22 and Texana Center from Rosenberg. Staff seeks direction  
23 regarding approval for the two new CRP certifications and eight  
24 recertifications for community rehab programs to participate in  
25

1 the purchase from people with disabilities program. With that,  
2 I'll answer any questions you might have.

3 CHAIRMAN DANIEL: Comments or questions?

4 COMMISSIONER ALVAREZ: None here, Chairman.

5 COMMISSIONER DEMERSON: None here. Did you  
6 mention one from Huntsville?

7 MR. GARCIA: Yes, sir, that was the Rucon,  
8 Inc.

9 COMMISSIONER DEMERSON: Okay. Okay. Got it.  
10 Thank you.

11 CHAIRMAN DANIEL: Do we have a motion? Do we  
12 have a motion?

13 COMMISSIONER ALVAREZ: Chairman, I move that  
14 we approve the certification and the recertification of the  
15 community rehabilitation programs as discussed by staff.

16 COMMISSIONER DEMERSON: Second.

17 CHAIRMAN DANIEL: It's been moved and  
18 seconded, the vote's unanimous. This is Agenda Item 11,  
19 discussion, consideration, and possible action regarding  
20 temporary suspension of 40 TAC chapter 807, career schools and  
21 colleges rule 807.387(a), hearing procedures, due to the COVID-  
22 19 pandemic.

23 MS. BALLAST: Good morning, Chairman Daniel,  
24 how's my audio? Perfect, thank you. Good morning, Commissioner  
25 Alvarez, Commissioner Demerson, Mr. Serna. For the record, Kerry

1 Ballast, Workforce Development Division. Texas education code  
2 132.152 establishes the right of a career school or college to  
3 have a hearing to contest administrative penalties assessed by  
4 TWC. TAC chapter 807, career schools and colleges rules,  
5 specifically rule 807.387(a), states that all hearings shall be  
6 conducted in person in Austin, Texas unless the parties agree to  
7 a telephonic hearing or request a different location. As a  
8 result of the measures put in place to ensure public safety  
9 during the COVID-19 pandemic, TWC's commission appeals hearings  
10 unit has been unable to accommodate in-person hearing, and this  
11 is leaving administrative actions unresolved, and in some cases  
12 preventing or delaying students from receiving refunds of  
13 tuitions and fees. 40 TAC 800.8 authorizes the commission to  
14 suspend the operation of an agency rule if the commission finds  
15 a public emergency or imperative public necessity exists, and if  
16 the suspension will best serve the public health, safety, or  
17 welfare. So with all of that in mind, staff seeks direction on  
18 the temporary suspension of 40 TAC 807.387(a), thereby allowing  
19 the--suspending the requirement of in-person hearings in Austin.  
20 The suspension will allow the commission appeals hearing unit to  
21 schedule telephonic hearings and adjudicate appeals in a timely  
22 manner. I am available for any questions that you may have, and  
23 thank you.

24 CHAIRMAN DANIEL: Comments or questions?

25 COMMISSIONER ALVAREZ: None here, Chairman.

1 COMMISSIONER DEMERSON: No questions here.  
2 Kerry, just one statement. In regards to this action that we're  
3 taking right now, is this something that we need to make  
4 permanent, or at least look at so that if we're ever in a  
5 position like this, kind of [inaudible] this so that we don't  
6 find ourselves in this position again.

7 MS. BALLAST: Good question, sir. Following  
8 later in this year, our career schools and colleges rules will  
9 be open for their four-year yearly review. This is a rule now in  
10 light of what we've learned about a pandemic and other kinds of  
11 unforeseen occurrences like this, we will definitely revisit  
12 this rule and go ahead and build in some other ways for us to  
13 accommodate hearings.

14 COMMISSIONER DEMERSON: Sounds good, thank  
15 you.

16 MS. BALLAST: Thank you.

17 CHAIRMAN DANIEL: Any other questions or  
18 comments?

19 COMMISSIONER ALVAREZ: None here, Chairman.

20 CHAIRMAN DANIEL: Do we have a motion?

21 COMMISSIONER ALVAREZ: I move that we  
22 suspend 40 TAC section 807.387(a) until the public emergency has  
23 passed and commission appeals hearing unit resumes in-person  
24 hearings, as recommended by staff.

25 COMMISSIONER DEMERSON: Second.



1 CHAIRMAN DANIEL: So moved and seconded,  
2 vote's unanimous.

3 MS. BALLAST: Thank you.

4 CHAIRMAN DANIEL: Let's go to Agenda Item  
5 12, discussion, consideration, and possible action regarding the  
6 statewide initiatives funded with Workforce Innovation and  
7 Opportunity Act, Temporary Assistance for Needy Families, Adult  
8 Education and Literacy, child care, and other state level funds.

9 MS. NELSON-WERNLI: Good morning, Chair,  
10 commissioners, Mr. Serna. Angie Nelson-Wernli, for the record.  
11 Today we are requesting additional funding for the Veterans  
12 Workforce Outreach Initiative. TWC most recently procured this  
13 initiative in 2018 for \$425,000 to enroll hard-to-serve veterans  
14 in finding and retaining employment. The intensive case  
15 management services address major barriers such as homelessness,  
16 substance abuse, physical, mental, or learning disabilities,  
17 post-traumatic stress disorder, ex-offender status, recent  
18 discharge from military services. This initiative is currently  
19 operating in San Antonio, Houston, Dallas/Ft. Worth, and El  
20 Paso. We are entering into our third-year [inaudible] periods,  
21 and there's been an increase in the cost per participant and  
22 support services. In 2018, the grantee implemented the program  
23 with seven case managers and planned to serve a [inaudible] 426  
24 participants. Due to turnover and cost increases to hire and  
25 retain qualified staff, increases costs for services, including

1 support services such as commercial drivers license, work  
2 equipment, certifications, et cetera, we are requesting  
3 additional funding to cover the increases in the cost [sounds  
4 like] per. Requesting an additional slight increase in funding  
5 and a slight decrease in the original target, we are requesting--  
6 --we are going to re-procure this initiative in 2022 to address  
7 this issue longer-term. We are requesting today to increase the  
8 WIOA funding by 60,000, for a total of \$485,000, and slightly  
9 reduce the target from the original 426 to 386 to meet the  
10 current cost [sounds like] pers. I can answer any questions you  
11 have.

12 CHAIRMAN DANIEL: Any comments or questions?

13 COMMISSIONER ALVAREZ: I do have a comment,  
14 Chairman. Commissioners, at this time we are more than halfway  
15 through the fiscal year. This program still has about \$100,000  
16 left in its budget this year, and has only enrolled 259  
17 participants to date. I would like for this initiative to play  
18 out for the remainder of the year, and reconsider increasing the  
19 funding for next fiscal year's budget.

20 MS. NELSON-WERNLI: Sir, this initiative--  
21 just wanna note that this initiative is not actually on a fiscal  
22 year. The actual grant period, because it's a competitive  
23 process, the new grant year is actually supposed to start March  
24 1.

25

1 COMMISSIONER ALVAREZ: Okay. Can we still  
2 wait?

3 MS. NELSON-WERNLI: We could enter into the  
4 exact same amount. The grant actually ends this Friday. So, we  
5 were looking to increase by the 60,000 kind of meeting, you  
6 know, halfway there. And like I said, wanting them to serve--  
7 they served 335 last year, and they are on target for about that  
8 amount. So, this would increase the enrollment by 51, if we  
9 would increase the 60,000 for this coming year. Or the other  
10 option, we could re-amend the cost per, and allow them to fully  
11 expend the 425,000. But they would only serve 335 participants.

12 CHAIRMAN DANIEL: They served--Commissioner  
13 Demerson, I'm cutting in front of you, I believe.

14 COMMISSIONER DEMERSON: And mine'll be real  
15 quick. So Angie, the existing contract that they--this ends in  
16 March?

17 MS. NELSON-WERNLI: It ends actually Friday,  
18 so we're entering in the current renewal. It's a competitive  
19 procurement, so we've got five years that we can actually renew,  
20 and we've got it on the procurement schedule to re-procure next  
21 year, so that we can address and see what types of applications  
22 and costs per and services we can get competitively out in the  
23 market.

24 COMMISSIONER DEMERSON: So we would be  
25 increasing 60,000 right now? I mean--

1 MS. NELSON-WERNLI: It would just be for  
2 this year, and then we could go back to--and procure the 425  
3 next year.

4 COMMISSIONER DEMERSON: Yeah, I'm trying to  
5 wrap my head around 60,000 right now, and it ends Friday.

6 [Inaudible]

7 MR. SERNA: The 60,000 is for the period  
8 beginning March 1.

9 COMMISSIONER DEMERSON: Okay. Okay.

10 MS. NELSON-WERNLI: Yes.

11 MR. SERNA: Yes, sir.

12 CHAIRMAN DANIEL: What we have here is a  
13 very incomplete proposal by staff. I've got, like, 15 or 16  
14 questions about it, for--to make a decision that something that  
15 happens in six days. And that's just--you can't make a decision  
16 from an incomplete sort of proposal here six days before a  
17 decision has to be made. I think it's a good program. I think  
18 that we do no one justice by making a rash decision on  
19 incomplete information six days before the decision needs to be  
20 made. We'll vote on it. I'm in agreement with Commissioner  
21 Alvarez, we do not need to take action today. We need to do a  
22 better job of outlining this proposal, understanding what this  
23 means for this. How does this fit into our other veterans  
24 proposals, how does it fit in with the veterans network. There  
25 are so many unanswered questions here that I'm not even sure we

1 can get all get [inaudible]. I'm gonna ask the questions, but  
2 I'm not sure we can get them all answered today. I just--it's--  
3 you put us as commissioners in a very precarious position in  
4 making too-quick decisions on incomplete information, when we  
5 talked about all these programs in July, when we were making  
6 budget decisions for the agency, and none of this came up then.  
7 So, I think we need to have a more in-depth conversation. I  
8 think we need more information, lots more information, and I'm  
9 not comfortable moving forward today, either.

10 COMMISSIONER ALVAREZ: Chairman, I totally  
11 agree with you.

12 MR. SERNA: Angie--yes, sir, Mr. Chairman,  
13 we will bring this item back to the commission with a more  
14 thorough analysis. Angie, were the offices briefed prior to  
15 today?

16 MS. NELSON-WERNLI: Yes, they were. They  
17 were briefed--trying to get all my days straight. It was  
18 actually supposed to be on the last commission meeting. Because  
19 of the ice storms and everything that was going on, so we  
20 postponed it, but it was briefed for two weeks prior.

21 MR. SERNA: Okay. We'll do a better job, Mr.  
22 Chairman, at briefing the offices as well as formulating the  
23 rationale for the proposal. It's my understanding, however, that  
24 the grantee has indicated because of the increase in costs, they  
25 were looking for much more of an increase. We don't believe that

1 an increase in just money would suffice. But we'll flesh that  
2 out more and come back to the commission with a more detailed  
3 proposal.

4                   CHAIRMAN DANIEL: So, here's my two--thank  
5 you for that. Here's my two cents' worth. If--and I don't  
6 necessarily believe that this needs to happen. I don't--I wasn't  
7 here when this was originally laid out, so I don't know now it  
8 was laid out. But here's what I'm gonna say, nonetheless. If we  
9 need to somehow adjust some commission action on the number of  
10 target [inaudible] enroll participants or the amount of money--  
11 those seem like contractual things to me, which makes them  
12 operational, which puts them in your purview, Mr. Serna. But if  
13 we need to take some action to allow us to modify this contract  
14 to perhaps be able to expend more money per veteran that we're  
15 assisting, I would likely be happy to do that today. I  
16 personally don't think we need to do that. I think that's a  
17 decision that we can make on the contracting basis. But I am  
18 looking for a little advice here. If that needs to happen so  
19 that we can do something for this contract that takes effect  
20 March 1 or whenever it is, let's do it. Otherwise, let's bring  
21 this back when we can do a much better job of considering it.

22                   MR. SERNA: The grant is currently funded at  
23 the agreed-to levels with the agreed-to targets, so we have time  
24 to make any kind of adjustments--

25                   CHAIRMAN DANIEL: Okay.

1 MR. SERNA: --since the year that we're  
2 talking about, the grant year is just beginning on Monday. So,  
3 we have time--we have plenty of time, as Commissioner Alvarez  
4 pointed out, for us to be able to come back and discuss any  
5 changes to either the targets or the additional funding to the  
6 grant.

7 CHAIRMAN DANIEL: Okay.

8 COMMISSIONER ALVAREZ: Ms. Nelson, I wanna  
9 thank you for the presentation. As you know, all offices are  
10 supportive of our veterans. We just wanna make sure that we  
11 utilize the funding to its fullest potential. I will tell you  
12 that I appreciate the fact that you did meet with the offices  
13 regarding this particular agenda item, but I do think that I  
14 know that staff here had specifically asked about the need for  
15 [sounds like] to increase funds, and if we were going to meet  
16 those targets. And so I think that's what brought this agenda  
17 item to my attention. We've been doing it for a couple of years  
18 now, and I just wanna make sure that all the money that we do  
19 allocate is fully used, and before we increase it. And  
20 especially if we're asking boards to reevaluate whether money is  
21 being used in best suited. So, I appreciate your presentation  
22 and your meeting with staff. But yeah, at this time, I just  
23 can't take any action.

24 MS. NELSON-WERNLI: [Inaudible]

25

1 COMMISSIONER ALVAREZ: If you're ready for a  
2 motion, Chairman, I agree with you totally on this particular  
3 agenda item. You know, I would move that we table this item for  
4 a later date.

5 COMMISSIONER DEMERSON: Second that motion.

6 CHAIRMAN DANIEL: Right, well, it's been  
7 moved and seconded to table the item. [Inaudible] we don't have  
8 to do that if staff pulls it off. I'm not opposed to the motion.  
9 The only thing I would add, if it's acceptable to you, the  
10 author, is that we table it pending staff bringing this back to  
11 us for further consideration. That being the case, vote's  
12 unanimous.

13 COMMISSIONER ALVAREZ: I would agree with  
14 that, Chairman.

15 CHAIRMAN DANIEL: Okay. Okay. Thank you.

16 MS. NELSON-WERNLI: Thank you.

17 COMMISSIONER ALVAREZ: Thank you, Angie.

18 CHAIRMAN DANIEL: Agenda Item 13 has been  
19 postponed to a future meeting. Agenda Item 14 is discussion,  
20 consideration, and possible--this is on childcare funds  
21 [inaudible]--

22 MR. SERNA: Yes, sir. We only have one  
23 item, and that's childcare.

24

25



1                   CHAIRMAN DANIEL: I mean, I can read this  
2 whole thing, but I've been reading all of them, and it's about  
3 childcare, so I'm [inaudible].

4                   MS. MILLER: All right, good morning,  
5 Chairman, commissioners. For the record, Reagan Miller with the  
6 Childcare and Early Learning Division. This morning for your  
7 consideration is a report to the Administration for Children and  
8 Families on Texas' planned use of the Coronavirus Response and  
9 Relief Supplemental Appropriations Act Fund, or CRRSAA for  
10 short. Texas will receive over \$1.1 billion through these one-  
11 time CRRSAA funds. ACF issued reporting instructions to states  
12 on February 11 on the required plan content which by statute is  
13 due no later than February 25. ACF notes that states may not  
14 have yet determined and finalized how they plan to spend the  
15 CRRSAA funds, and states can make changes to this initial plan.  
16 The planned use of funds report is structured based upon the  
17 categories that ACF requested states use, and includes  
18 information on how TWC may invest these funds to support direct  
19 childcare subsidies, grants other than subsidies to stabilize  
20 childcare providers, assistance to providers not participating  
21 in the subsidy system prior to the pandemic, and other  
22 strategies the state is considering. We will continue working  
23 with your office on specific implementation details over the  
24 coming months, as we refine our planned use of these CRRSAA  
25 funds. And I'm happy to answer any questions that you have.

1 CHAIRMAN DANIEL: Questions or comments?

2 COMMISSIONER ALVAREZ: Chairman, I just  
3 wanna inform Reagan that when I read this discussion paper, it's  
4 an excellent discussion paper, Reagan. I love what the funds are  
5 gonna be used for. I think our providers are gonna be excited  
6 about that, and what we're gonna be able to do. Things that  
7 we've never been able to do in the past. So, thank you for that.  
8 Thank you for being creative on this.

9 MS. MILLER: Yes, sir.

10 COMMISSIONER DEMERSON: Along those lines  
11 [inaudible] thanks for the briefing you and Alison have given  
12 our team last week with [inaudible]. We appreciate that. Even  
13 during the snowstorm [inaudible].

14 MS. MILLER: Yes, sir.

15 CHAIRMAN DANIEL: You know, we've been  
16 challenged with a lot, and I would be remiss if I did not take  
17 this opportunity to thoroughly [inaudible] Reagan and  
18 [inaudible] how thankful I am for their ability to pivot  
19 quickly. Washington passed this, the Department of Labor and  
20 others involved got this to us 14 days before the statutory due  
21 date, and so a lot of the work that's been done here, it's been  
22 very quick, it's very thorough. You know, we're blessed here at  
23 TWC with a number of great directors in all of our divisions,  
24 frankly. I appreciate everybody's flexibility, but Reagan's on  
25 the hot seat right now, so we'll just deal with this one. Great

1 work for something that had a 14-day turnaround. We briefed a  
2 number of legislative offices about this who've had an interest  
3 in it, and so this didn't happen in a vacuum. There's been a lot  
4 of work going back and forth on this, and I sincerely appreciate  
5 our ability to meet those statutory deadlines and have a work  
6 product here that Commissioner Alvarez pointed out as being very  
7 solid, very thoughtful, very well thought out, and very--we're  
8 very much gonna be able to execute this as we develop that.

9 MS. MILLER: Thank you, Chairman.

10 CHAIRMAN DANIEL: Is there a motion on this?  
11 Do we need a motion on this?

12 COMMISSIONER ALVAREZ: Chairman, I move that  
13 we approve the CRRSA plan as presented by staff.

14 COMMISSIONER DEMERSON: Second that motion.

15 CHAIRMAN DANIEL: All right, it's been moved  
16 and seconded. Vote's unanimous.

17 MR. SERNA: Thank you [inaudible].

18 CHAIRMAN DANIEL: Agenda Item 14 is more  
19 than just childcare. It's almost everything dealing with the  
20 pandemic. We do have one more item on Agenda Item 14. Yesterday,  
21 which was February 22, the governor sent me a letter indicating  
22 that he has suspended Texas labor code section 204.048 to the  
23 extent necessary to delay the commission's computation of the  
24 2021 unemployment insurance tax rate. The suspension will remain  
25 in effect until June 20, 2021. Effectively what this does is it

1 gives us time to delay setting the annual employer tax rate,  
2 which was being driven by 204.048m which is the voluntary  
3 contribution provisions that are both in statute and our rule.  
4 With the suspension of that requirement, it allows us to spend  
5 some more time working on a couple things. These should be of  
6 note to both employers and employees. But the setting of the tax  
7 rate, there are some statutory changes that are being considered  
8 to the general tax rate. This gives the legislature ample time  
9 to consider those statutory changes and how those might apply to  
10 the COVID-19 disaster. It also gives us time as an agency to  
11 really consider all the ramifications of the tax rate, both the  
12 statutory self-implementing parts of the tax rate, and the ones  
13 on which we have quite a bit of latitude as a commission. The  
14 governor took this action, and I think wisely so. It just gives  
15 us the added time and the ability to very thoughtfully consider  
16 all of the impacts that the tax rate will have. And it keeps us  
17 from having to set the tax rate imminently, which would have  
18 been in the next couple days, because of one provision that a  
19 small percentage of employers actually avail themselves of. So,  
20 I think it gives us a better opportunity to make a more fair and  
21 a more forward-looking tax rate for all employers. In order to  
22 fully implement this action and address this what I believe is a  
23 public necessity, we do need to, as a commission, suspend a rule  
24 that accompanies that particular section of the labor code. And  
25 then we would be able to align our rules with what the

1 governor's done here on the statutory suspension. Let me present  
2 a motion, and then we can have as much discussion as we need,  
3 because it would all be in order. Based on what I just said, I  
4 move we suspend 40 TAC section 815.119 until June 20, 2021,  
5 pursuant to section 418.016(a) of the Texas government code, and  
6 40 Texas Administrative Code section 800.8 to temporarily  
7 suspend the voluntary tax contribution program and enable the  
8 agency to delay the tax calculation, so that Texas employers and  
9 the state's economy will be better positioned to recover from  
10 the ongoing pandemic. Further, the commission directs the Office  
11 of General Counsel under this notion to draft an order  
12 memorializing the action taken today. That's my motion.

13 COMMISSIONER DEMERSON: And I'm gonna second  
14 that motion [inaudible].

15 COMMISSIONER ALVAREZ: Chairman and  
16 Commissioner, I would agree to that as well.

17 CHAIRMAN DANIEL: If I'm hearing correctly,  
18 I believe the vote's unanimous.

19 COMMISSIONER ALVAREZ: Yes, sir.

20 CHAIRMAN DANIEL: Gentleman, I don't wanna  
21 cut off any discussion or comments or questions you may have.  
22 I'm certainly happy to answer those that I can. If the vote's  
23 unanimous, then we'll say that the vote's unanimous, and ask the  
24 general counsel to conform this to how it needs to be conformed.

25

1                   COMMISSIONER ALVAREZ: I appreciate your  
2 work on this, Chairman, and also Commissioner Demerson on this  
3 as well.

4                   CHAIRMAN DANIEL: And I really appreciate  
5 you guys staying up to date on a lot of moving parts, and I'm  
6 doing the same. You know, we only meet once a week in open  
7 meeting. We don't really get a chance to discuss these things,  
8 and rightly so, because that's the way it's set up. But I  
9 appreciate the fact that everybody does their homework, and we  
10 stay up on these issues. And it seems like we're all having the  
11 conversations that we need to be having to solve a lot of  
12 problems simultaneously. There are more problems to be solved. I  
13 don't pretend that that isn't so. And we'll keep working on it,  
14 and you know, things are coming--they come fast and they change  
15 often, and I just appreciate everybody's willingness to continue  
16 to tackle these in the spirit that we've been tackling them.

17                   COMMISSIONER ALVAREZ: It's the tie,  
18 Chairman.

19                   COMMISSIONER DEMERSON: Chairman, I  
20 [inaudible]. I like--

21                   COMMISSIONER ALVAREZ: It's the tie.

22                   COMMISSIONER DEMERSON: Commissioner Alvarez  
23 keeps talking about the tie, but I'd like to thank you for your  
24 work in this effort. Early on, Texas employers were calling with  
25 a lot of questions and the like, and I know there was a lot of

1 background work taking place, and this is a good outcome. And so  
2 I continue to appreciate the leadership of the governor  
3 concerned and his interest in our Texas employers as we proceed  
4 forward. So [inaudible] we're getting to where we need to go.

5 CHAIRMAN DANIEL: Thank you very much.  
6 Right, if there's nothing else, let's move on to Agenda Item 15.  
7 This is discussion, consideration, and possible action regarding  
8 approval of local workforce development board nominees.

9 MS. WILLIAMS: Hi, good morning, Chairman,  
10 commissioners, and Mr. Serna. For the record, Shunta Williams  
11 with the Workforce Development Division. And before you for  
12 consideration are Workforce Board nominations for Alamo, Cameron  
13 County, Deep East Texas, Heart of Texas, and Lower Rio Grande.  
14 Staff recommends that all nominees be approved, and I'm here to  
15 answer any questions you may have.

16 CHAIRMAN DANIEL: Any questions or comments?

17 COMMISSIONER ALVAREZ: Chairman, the only  
18 thing I wanna say is I really appreciate the hard work that Ms.  
19 Williams puts in screening these board members, so I appreciate  
20 that, Ms. Williams. Thank you, and for the detailed information  
21 that you provide to the office. So, I just wanna say that.

22 COMMISSIONER DEMERSON: Sir, and I may have  
23 a question about Workforce Divisions Deep East Texas. I noticed  
24 Mr. Eddie Hopkins is on there, and--no, I'm teasing with Eddie,  
25 and just the work that all of them are doing. But I agree with

1 Commissioner Alvarez's words, and we're bringing good members to  
2 our workforce solution boards.

3 CHAIRMAN DANIEL: It's rare that  
4 Commissioner Demerson would call out someone by name. That felt  
5 like [inaudible] to me of some sort, so.

6 COMMISSIONER ALVAREZ: He knows him. He  
7 knows--he probably owes him or something. But I will tell you  
8 that, as you know, Chairman--and I think we've all had this  
9 discussion during the state conference when we met with our  
10 board chairs and our executive directors, I think we all stress  
11 the importance of having the best of the best serve on our  
12 board. And so that's why I think about every time this agenda  
13 item comes up. You know, it's something that we certainly put a  
14 lot of value on, because we do want the best of the best to  
15 represent us around the state. So, Ms. Williams, thank you for  
16 the hard work that you put into the recommendations. And I know  
17 that sometimes we do have questions, and I know that sometimes  
18 we do have questions regarding some of the board members. But  
19 generally, I appreciate the screening that you do and the  
20 briefings that you give to the offices.

21 CHAIRMAN DANIEL: Any additional questions  
22 or comments? Is there a motion on this item?

23 COMMISSIONER ALVAREZ: Chairman, I move that  
24 we approve the board nominees for Alamo, Cameron County, Deep  
25 East Texas, the Heart of Texas, and Lower Rio Grande Valley.



1 COMMISSIONER DEMERSON: Second that motion.

2 CHAIRMAN DANIEL: So moved and seconded,  
3 vote's unanimous. Thank you.

4 MS. WILLIAMS: Thank you.

5 CHAIRMAN DANIEL: Nothing on Agenda Item 16.  
6 Gentlemen, we have a real treat today. Michael Britt has made  
7 himself available to us to give us a legislative briefing. So,  
8 all those questions that I know you've been wanting to ask, this  
9 will be our opportunity to ask these of Michael. Michael, the  
10 floor is yours.

11 MR. BRITT: Thank you, Mr. Chairman.

12 CHAIRMAN DANIEL: Don't say "thank you" so  
13 tentatively. Don't say "thank you" so tentatively, just charge  
14 right in.

15 MR. BRITT: Good morning, Chairman Daniel,  
16 Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For  
17 the record, Michael Britt [inaudible] relations. Yesterday, the  
18 U.S. House Budget Committee approved Senate concurrent  
19 resolution 5, which is the American Rescue Plan. This measure  
20 includes the appropriation titles that will make up the next  
21 round of COVID-19 relief. The bill is expected to be considered  
22 by the full U.S. House this coming Friday. Last week, Texas  
23 House Appropriations Chairman Representative Greg Bonnen  
24 announced [inaudible] subcommittees for the 87 Texas  
25 Legislature. The House Appropriations Subcommittee on articles

1 6, 7, and 8, which has oversight over the Texas Workforce  
2 Commission, consists of the following members: Representative  
3 Armando Walle as the chair, Representative Cecil Bell Jr. as the  
4 vice chair, and Representatives Ed Thompson, Representative,  
5 Steve Toth, and Representative Alex Dominguez. Finally,  
6 yesterday, Senator Zaffirini filed two bills that are TWC  
7 legislative proposals. The senator filed senate bill 694, which  
8 is TWC's legislative proposal related to the consolidation of  
9 the TRF assessor evaluator functions, and senate bill 695, which  
10 is TWC's legislative proposal related to notice of assessment  
11 and methods of service. And that concludes my remarks, and I am  
12 now happy to answer all the questions that you gentlemen have.

13 CHAIRMAN DANIEL: Right, all the questions  
14 and comments.

15 COMMISSIONER ALVAREZ: None here, Chairman.

16 COMMISSIONER DEMERSON: I guess I don't have  
17 any for Michael right now. We're good to go.

18 CHAIRMAN DANIEL: I feel like I might have  
19 oversold it, then, if we don't have any [inaudible] comments.  
20 Michael, thank you so much.

21 MR. BRITT: Thank you, gentlemen.

22 CHAIRMAN DANIEL: All right, Mr. Serna, do  
23 we have an executive director's report today?  
24  
25

1 MR. SERNA: Just one unfortunate bad piece  
2 of news. We've lost an employee, one of our customer service  
3 representatives in a call center, to COVID-19.

4 CHAIRMAN DANIEL: Mm.

5 MR. SERNA: And we have another employee who  
6 is not doing very well right now, so we will keep that family in  
7 our thoughts and prayers. But I thought you all would wanna know  
8 that it is now four employees that we've lost to this virus.

9 CHAIRMAN DANIEL: Unpleasant news. Thank you  
10 for letting us know. I do wanna know, and we do wanna hold up  
11 their families.

12 MR. SERNA: Yes, sir. That's all I have,  
13 sir, unfortunately.

14 CHAIRMAN DANIEL: All right.

15 COMMISSIONER ALVAREZ: Chairman, under this  
16 agenda item I do have something that I'd like to state, if  
17 that's okay.

18 CHAIRMAN DANIEL: Yes, sir.

19 COMMISSIONER ALVAREZ: Back in March, we--  
20 the waiting week was waived for the pandemic claims, as we all  
21 know. Statutorily, we know that the governor has the ability to  
22 do this, and I just wanted to make sure that we were aware that  
23 back on February 20, 2021, 77 Texas counties were declared major  
24 disaster areas, making federal funding available. Those affected  
25 individuals, including disaster unemployment benefits. Shouldn't

1 we waive the waiting week for the new disaster, which is what we  
2 just experienced last week, unemployment insurance claims?  
3 Should we consider waiving the work searches for those  
4 individuals affected by this? Seventy-seven counties, and I'm  
5 understanding that we may even increase the 77 to a few more. So  
6 really, just wanted to make a distinction, what was laid out  
7 back in March of 2020 with the pandemic, and the waiting week  
8 for those individuals that were affected by the storms that we  
9 experienced last week. Just wanted some distinction between the  
10 two.

11 CHAIRMAN DANIEL: Work search has been  
12 waived, and it's under consideration for how long that period  
13 would be.

14 MR. SERNA: Work search is waived for last  
15 week and this week.

16 COMMISSIONER ALVAREZ: That's correct.

17 CHAIRMAN DANIEL: [Inaudible] continue to  
18 look at that to determine--

19 MR. SERNA: Yes, sir.

20 CHAIRMAN DANIEL: --what's the right amount  
21 of time for that.

22 MR. SERNA: Yes, sir, we will. We will for  
23 those 77 counties that were in the president's disaster  
24 declaration. And we will also--

25

1 CHAIRMAN DANIEL: [inaudible] waiting--on  
2 waiting week?

3 MR. SERNA: We'll look at waiting week as  
4 well, and see what authority we have. I believe that the  
5 governor's order is still in place. [Inaudible] check the  
6 [inaudible]--

7 COMMISSIONER ALVAREZ: So, if the governor's  
8 order's in place for the pandemic, Ed, or does it have to be a  
9 different one for the disaster?

10 MR. SERNA: And that's what I'll find out,  
11 sir, for you.

12 COMMISSIONER ALVAREZ: Okay. Because I was  
13 looking at it [inaudible]--

14 MR. SERNA: It's for the pandemic. Because  
15 the original one was for the pandemic.

16 COMMISSIONER ALVAREZ: That's correct, and  
17 section 207.021, we know the executive order allows them. But  
18 again, that was the only reason I brought this up at this time,  
19 was just to make sure that there was a distinction between the  
20 two.

21 MR. SERNA: Got you.

22 CHAIRMAN DANIEL: All right, anything  
23 additional?

24 COMMISSIONER ALVAREZ: No.

25 CHAIRMAN DANIEL: The time is--

1 COMMISSIONER ALVAREZ: Not this time.

2 CHAIRMAN DANIEL: The time is 10:55. Texas  
3 Workforce Commission is now going into executive session in room  
4 644 to discuss the appointment, employment, evaluation,  
5 reassignment, duties, discipline, or dismissal of the executive  
6 director, internal auditor, executive staff, and other personnel  
7 [inaudible] Texas government code section 551.074(a)(1).

8 COMMISSIONER ALVAREZ: Okay, I'm back on.

9 CHAIRMAN DANIEL: All right, perfect. The  
10 executive session is now concluded. The time is 11:28 a.m. Is  
11 there any other order of business to come before the commission?

12 COMMISSIONER ALVAREZ: None here, Chairman.

13 COMMISSIONER DEMERSON: Mr. Chair, I had one  
14 order of business in here. I'm gonna show you [inaudible] here.  
15 This is an award that comes from the Texas Restaurant  
16 Association, and it's a partner award that they gave to the  
17 agency and all the work that they're doing. And our [inaudible]  
18 commissioners have been in virtual town hall meetings with them  
19 a number of times. So there's a staff member that actually made  
20 this. And that's COVID, this is the fork, and so they're putting  
21 a fork in it from that standpoint. And so--but they really  
22 appreciate the partnership of the agency they [inaudible]  
23 Courtney, Jen Troke, Mary York are doing with them, and they  
24 really appreciate all of those efforts. And then the staff  
25 behind the scenes that are working. Governor Abbott, I think

1 [inaudible] addressing them on yesterday or today as well. So  
2 they're open for business and ready to do a lot of things, but  
3 they appreciate the work that's been done by the agency in that  
4 regard, and wanted to give us the resilience award as well. So,  
5 it's a guy on the team made it, and so he spray-painted the  
6 balls, but they're putting a fork in it from that standpoint.  
7 So, thank you, guys, and thank the restaurant association for  
8 their support.

9 CHAIRMAN DANIEL: Thank you.

10 COMMISSIONER DEMERSON: Yeah.

11 CHAIRMAN DANIEL: Any other business? Is  
12 there a motion to adjourn?

13 COMMISSIONER ALVAREZ: None here, Chairman.

14 CHAIRMAN DANIEL: A motion to adjourn?

15 COMMISSIONER ALVAREZ: Chairman, I move that  
16 we adjourn.

17 COMMISSIONER DEMERSON: I second that  
18 motion.

19 CHAIRMAN DANIEL: It's been moved and  
20 seconded to adjourn. This commission meeting is adjourned.

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