



**MEETING OF THE  
TEXAS WORKFORCE COMMISSION**

**DATE**

**FEBRUARY 6, 2024**

1 Tuesday, February 6, 2024

2 CHAIRMAN DANIEL: Good morning, everyone.

3 This meeting is called to order. Mr. Trobman, has anyone signed  
4 up for public comment? Thank you very much. Once again, Ms.  
5 Miller, good morning.

6 MS. MILLER: Good morning.

7 CHAIRMAN DANIEL: Thank you. That brings us  
8 to the end of Agenda Items 1 through 8.

9 CHAIRMAN DANIEL: We'll take a short recess.  
10 All right, this is Agenda Item 9, final rules for 40 TAC  
11 Chapters 800 and 805.

12 MAHALIA BALDINI: Good morning,  
13 commissioners, Mr. Serna. For the record, Mahalia Baldini,  
14 Workforce Development Division. Commissioners, before you today  
15 for your consideration and adoption are final rule amendments to  
16 Chapter 800, General Administration, and Chapter 805, Adult  
17 Education and Literacy. In an open meeting on November 7, 2023,  
18 the commission approved proposed amendments to TWC's Chapter 800  
19 and 805 rules. The proposed rule amendments were published in  
20 the November 24, 2023, issue of the Texas Register for a 30-day  
21 public comment period. No comments were received. Staff  
22 recommends adopting the amendments to Chapter 800 and Chapter  
23 805. Should the commission choose to adopt the rules today,  
24 staff requests the ability to make minor nonsubstantial changes  
25 to the document in order to comply with the publication

1 requirements of the Texas Register and the Office of the  
2 Secretary of State. This concludes my remarks and I'm happy to  
3 answer any questions you may have.

4 CHAIRMAN DANIEL: Comments or questions?

5 COMMISSIONER TREVIÑO: None here.

6 COMMISSIONER ESPARZA: No questions.

7 CHAIRMAN DANIEL: Is there a motion?

8 COMMISSIONER TREVIÑO: Chairman, I move to  
9 approve the adoption of amendments to 40 Texas Administrative  
10 Code Chapter 800, Subchapter B, Allocations, and Subchapter L,  
11 Workforce Diploma Pilot Program, and Chapter 805, Adult  
12 Education and Literacy, as recommended today by staff.

13 COMMISSIONER ESPARZA: I second.

14 CHAIRMAN DANIEL: It's been moved and  
15 seconded, and the motion carries. This is Agenda Item 10, final  
16 rules for 40 TAC Chapter 845, Texas Work & Family Clearinghouse.

17 MICHAEL TREYGER: Good morning, Chairman  
18 Daniel, Commissioner Treviño, Commissioner Esparza, Mr. Serna.  
19 For the record, Michael Treyger with Outreach and Employer  
20 Initiatives Division. Commissioners, before you today for your  
21 consideration and adoption are final rule amendments to Chapter  
22 845, Texas Work & Family Policies. In an open meeting on  
23 November 7, 2023, the commission approved proposed amendments to  
24 TWC Chapter 845 rules regarding the changes made by House Bill  
25 2975. The proposed rule amendments were published on the

1 November 24, 2023, issue of the Texas Register for the 30-day  
2 public comment period. No comments were received. Staff  
3 recommends adopting the amendments to Chapter 845. Should the  
4 commission adopt these rules, staff recommends—staff requests  
5 the ability to make minor nonsubstantive changes to the document  
6 in order to comply with the publication requirements of the  
7 Texas Register and the Office of the Secretary of State. This  
8 concludes my presentation. I'm available to answer any questions  
9 you may have today.

10 CHAIRMAN DANIEL: Comments or questions?

11 COMMISSIONER TREVIÑO: Mr. Treyger, that's a  
12 very nice tie that you have on today. Very nice presentation. I  
13 think that's the first time you've presented while I've been  
14 here. You should probably do that a little more often.

15 MICHAEL TREYGER: I appreciate that,  
16 Commissioner Treviño. Yes, sir. Long time listener, first time  
17 caller.

18 COMMISSIONER ESPARZA: [Inaudible] he's  
19 being set up.

20 CHAIRMAN DANIEL: Look, Commissioner  
21 Esparza, we've—I don't actually think it's a tradition but we've  
22 long—I think the word hazing is out of vogue but we've long  
23 badgered our witnesses when it's their first time before the  
24 commission. I think it's particular egregious with Mr. Treyger  
25 because he's worked here for what seems like the better part of

1 a decade and this is his first trip to the podium at a  
2 commission meeting. I mean truthfully, and Commissioner  
3 Treviño's leadership is appreciated here, there is no possible  
4 way we would want him to get off the hook without some difficult  
5 question about the subject matter at hand.

6 COMMISSIONER ESPARZA: Mr. Treyger, are you  
7 checking the box?

8 MICHAEL TREYGER: Yes, sir. Actually, it was  
9 Collin who was supposed to present but security wouldn't let him  
10 in because they wouldn't recognize him after he shaved his  
11 mustache or something like that.

12 COMMISSIONER ESPARZA: We appreciate our  
13 security. They do good work.

14 CHAIRMAN DANIEL: Well, we do appreciate our  
15 security and he's very smooth and glib with his answers. Did you  
16 notice his attempt at transference to put this off on one of his  
17 colleagues? It's a very interesting situation. Should we  
18 entertain a motion?

19 COMMISSIONER TREVIÑO: Chairman, I move to  
20 approve the adoption of amendments to 40 Texas Administrative  
21 Code, Chapter 845, Texas Work & Family Policy Resources, as  
22 recommended today by staff.

23 COMMISSIONER ESPARZA: I second.

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1 CHAIRMAN DANIEL: It's been moved and  
2 seconded, and the motion carries. We'll see you next week, Mr.  
3 Treyger.

4 MICHAEL TREYGER: Thank you, sir.

5 CHAIRMAN DANIEL: This is Agenda Item 11,  
6 fiscal year 2024 contact hour rate for the apprenticeship  
7 training program.

8 KERRY BALLAST: Good morning, Chairman  
9 Daniel, Commissioner Treviño, Commissioner Esparza, Mr. Serna.  
10 For the record, Kerry Ballast, Workforce Development Division.  
11 At last week's commission meeting staff were asked to bring  
12 forward options for funding of the final contact hour rate for  
13 the Chapter 133 apprenticeship training program. Today staff  
14 present three options as laid out in your notebook materials for  
15 your consideration. This concludes my remarks. I'm happy to  
16 answer any of your questions.

17 CHAIRMAN DANIEL: Any comments or questions?

18 COMMISSIONER TREVIÑO: Kerry, thank you very  
19 much for your work that you did and for your staff to have this  
20 done and to bring it forward so quickly. Apprenticeships are  
21 valuable programs that provide quality training and  
22 opportunities to the workforce. It is important for us to  
23 continue supporting the growth and expansion of the  
24 apprenticeship model as well as the existing and tried and true  
25 programs. I fully support the option to add 650,000 of WIOA

1 state funds plus 1.5 million dollars of the state apprenticeship  
2 expansion 2020 federal grant funds which will bring the contact  
3 hour rate up to \$4.00 an hour. Using these grant funds to  
4 increase the contact hour rate helps invest the money into Texas  
5 before the grant closes in June of 2024. It would help reduce  
6 the amount of unspent existing funds that would be returned to  
7 DOL, plus it helps us exceed the performance measures attached  
8 to this DOL grant.

9 COMMISSIONER ESPARZA: I greatly appreciate  
10 what the apprenticeship program does. It provides critical on-  
11 the-job training programs and other tools to the toolbox here.  
12 For my personal help in understanding, I want to request a staff  
13 briefing on the long-term funding strategy for the apprentice  
14 program. In the event, I believe I concur with Chairman Treviño,  
15 Commissioner Treviño, excuse me, because from my viewpoint I  
16 think the lege had supported the apprentice program with  
17 additional GR support and supported the industry-recognized  
18 apprentice program with additional GR funding. We also received  
19 federal expansion dollars for that so I realize that some of the  
20 additional funding may not be available for contact hour rates  
21 but I would like to better understand the funding priorities and  
22 strategy to get to the four-dollar contract hour rate so I guess  
23 my request is to see if we can get a little bit more—if I can  
24 get a little bit more information before approving the—for  
25 making a motion on this.

1                   KERRY BALLAST: [Inaudible]. Is there—would  
2 you like me to just jump in with some background on that or  
3 would you like for us to go back and brief more fully?

4                   COMMISSIONER ESPARZA: What's the timeframe  
5 for passing this? Do we have another week or is this today?

6                   KERRY BALLAST: I believe that if it would  
7 help you in your decision, we're happy to come back with it next  
8 week.

9                   COMMISSIONER ESPARZA: OK.

10                  KERRY BALLAST: OK.

11                  COMMISSIONER ESPARZA: That's my request. I  
12 need to make a motion for that?

13                  MR. SERNA: Just so that I understand,  
14 commissioner, so in the ensuing week you would—we'll schedule a  
15 briefing for you and your staff to provide the information that  
16 you've requested and prepare you or give you additional  
17 information for some kind of an action next week, not come back  
18 next week with answers to questions in public meetings.

19                  COMMISSIONER ESPARZA: [Inaudible].

20                  MR. SERNA: OK.

21                  COMMISSIONER ESPARZA: Thank you for that.  
22 So we wouldn't be making a decision on next Tuesday, until next  
23 Tuesday, sorry.

24                  CHAIRMAN DANIEL: Do you have objections?  
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1 COMMISSIONER ESPARZA: Yeah, give me a week  
2 for that.

3 COMMISSIONER TREVIÑO: I don't have any  
4 objection as long as we can see what we need to do to get the  
5 contact hour rate back to four dollars.

6 CHAIRMAN DANIEL: Mr. Trobman, without  
7 objection let's place this on the table and bring it back at the  
8 next commission meeting. Thank you.

9 COMMISSIONER ESPARZA: Thank you,  
10 commissioners.

11 CHAIRMAN DANIEL: I mean I see a tie on the  
12 back row which would normally indicate a legislative report. I  
13 think Lowell wants to bring a legislative report, Mr. Serna.  
14 Which legislature will you be reporting on, Lowell? He says no.  
15 He's not even moving. He tried to—he does like a deer does  
16 [inaudible].

17 MR. SERNA: Trying to hide his tie.

18 CHAIRMAN DANIEL: Something like that. How  
19 about an executive director's report?

20 MR. SERNA: I have no report today.

21 CHAIRMAN DANIEL: All right. Is there any  
22 other order of business to come before the commission?

23 COMMISSIONER TREVIÑO: Just one more thing.  
24 I just want to wish one of my attorneys, Josh Brooks, a very  
25 happy birthday. Today is his birthday, and he had a tough time

1 already in the morning with traffic but he made it here so happy  
2 birthday, Josh.

3 CHAIRMAN DANIEL: Well, happy birthday.  
4 Traffic for your birthday? That's not the right kind of gift.  
5 Commissioner Esparza? Is there a motion to adjourn?

6 COMMISSIONER TREVIÑO: I move we adjourn.

7 COMMISSIONER ESPARZA: I second.

8 CHAIRMAN DANIEL: It's been moved and  
9 seconded to adjourn, and we're adjourned.

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