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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
TEXAS WORKFORCE COMMISSION  
AUSTIN, TEXAS

PUBLIC MEETING )  
PURCHASING FROM )  
PEOPLE WITH )  
DISABILITIES )

ADVISORY COMMITTEE MEETING  
WEDNESDAY, FEBRUARY 7, 2018

BE IT REMEMBERED THAT at 10:30 a.m. on  
Wednesday, the 7th day of February, 2018, the above-entitled  
matter came on for hearing at the Texas Workforce  
Commission, Double Tree Hotel, 6505 North Interstate 35, De  
Zavalla Room, Austin, Texas, 101 E. 15th St., Austin, TX  
78701-0001. Rm. 151.

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## P R O C E E D I N G S

WEDNESDAY, FEBRUARY 7, 2018

(10:04 a.m.)

## AGENDA ITEM NO. 1

1  
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4  
5 MR. SERNA: All right. With the Committee's  
6 indulgence, I'd like to start the Advisory Committee  
7 meeting. The Chairman, the designated Chairman -- the  
8 Commission is required to designate the chair of the  
9 Committee. Our previous chair was one of the members whose  
10 term had expired and rolled off and that was Jean  
11 Langendorf, she did an outstanding job. And I would say  
12 that even if you weren't here. Did an outstanding job  
13 trying to get -- not trying to get the Committee going,  
14 working with the Agency to kind of set the precedent for  
15 what it is that the Committee would work on and allowing a  
16 lot of really good debate and exchanges.

17 Just to kind of set the record straight, TWC  
18 does not -- my name's Ed Serna, I'm the Deputy Executive  
19 Director for TWC. TWC doesn't participate as a member of  
20 the Committee, we support the Committee, we operate the  
21 program and the Commission is ultimately responsible for the  
22 program.

23 The Committee has two primary charges that  
24 are at statute and rule, and the first charge is to  
25 recommend advi -- recommend performance measures for

1 consideration by the Commission. And the second is to  
2 provide input on certification criteria for the CRPs  
3 participating in the program. And that's provide input,  
4 again, to the Commission. The Commission take that input  
5 and implement it or modify it and implement it, but that's  
6 presented in formal meeting to the Commission, the  
7 recommendations from the Advisory Committee, and presented  
8 in a formal meeting to the Commission.

9           Staff, Kelvin Moore on my right and Howard  
10 Joseph on my left, and myself take advantage of the  
11 expertise on the Committee to seek input and feedback on a  
12 number of issues related to the program. We try to provide  
13 updates on the status of the program and challenges of the  
14 program and spacing. We engage with our central nonprofit  
15 TIBH to provide updates and information to the Committee as  
16 well. But TWC in and of itself is not an -- is not an  
17 official member of the Committee.

18           The Commission did, in the selection of the  
19 new members, the Commission did appoint Kevin Jackson as  
20 Chair. The Commission has a charge to also appoint the  
21 presiding Officer of the Committee. Kevin Jackson -- Mr.  
22 Jackson unfortunately called me this morning, he and I spoke  
23 on Monday and we talked about the agenda and everything. He  
24 called me this morning and said, with extreme apologies that  
25 he wasn't going to be able to attend because he has a fever.

1 He's hoping he doesn't have the flu. But thought he would  
2 not learn -- would not do what he learned in kindergarten  
3 and come and join us and share. And I told him I  
4 appreciated that very much. This is one of those times you  
5 don't need to share.

6 So our Chair is not with us. What we -- one  
7 of the things that we were going to do, Mr. Jackson was  
8 going to propose, is that the members designate a Vice  
9 Chair. So in his absence, I'd like to -- to ask you all if  
10 anybody's interested in serving as a Vice Chair, then you  
11 get to chair this first meeting, and I will help you with  
12 that by the way, so you're not out there on your own.

13 Anybody that's interested in chairing -- in  
14 serving as Vice Chair, not just for this meeting, but -- but  
15 for the next two years? The term is for two years. And we  
16 would certainly entertain that. And what I would propose is  
17 anybody that's interested, we'll just have a Committee vote  
18 and if there's more than one person interested, we'll just  
19 kind of have a Committee vote on -- on selecting from  
20 amongst yourselves a Vice Chair.

21 There's not going to be any campaigning or  
22 fancy speeches or bake sales, so you don't need to worry  
23 about that.

24 MS. ZAVALLA: We've had enough of that.

25 MR. SERNA: Yeah, there's plenty of that

1 elsewhere. And we'll kind of move forward with that. The  
2 other thing that I was going to try to do today under the  
3 agenda item with an update from the Workforce Commission is  
4 have our attorney that focuses on open records. Brook, how  
5 are you? Come on up.

6 MS. HOHFELD: Good. How are you?

7 MR. SERNA: No, no, no, no worries at all.  
8 Have our attorney that focuses on open records and open  
9 meetings come and brief us. She unfortunately yesterday  
10 said she wasn't feeling well and would try to be here today.  
11 I've called her twice and she's not answering her office  
12 phone, so I'm assuming she's still not feeling well. Again,  
13 also someone I'm glad deciding not to share.

14 So with that said, I'd like to at least --  
15 again, I'm not chairing it, but we've got to get started,  
16 I'd like to at least start on my right. Michelle, if you  
17 would just introduce yourself, indicate who you represent,  
18 what your interests are in participating, and we'll kind of  
19 go down the row and then we'll kind of set it up for a --  
20 for a discussion on selection of a Vice Chair and then I'm  
21 going to hand it off to the Vice Chair.

22 MS. HERBEIN: I almost just feel like I need  
23 to get my hand sanitizer out here.

24 MR. SERNA: Oh, yeah.

25 MS. HERBEIN: My name is Michelle Howard

1 Herbein. I'm the Executive Director of the ARC of Greater  
2 Houston. We are primarily an advocacy organization. And in  
3 the last year and a half or two, we have pulled together a  
4 group of organizations across Houston that are trying to  
5 expand and increase employment options for individuals with  
6 IDD. And so we've been doing a lot of things, including  
7 training and helping people get through their required UNT  
8 training and really just kind of helping people with those  
9 barriers so that more options are there.

10 My background; I moved here from Virginia a  
11 couple years ago where I was a director of employment  
12 services where we served about 2000 people a day, all in  
13 integrated above minimum wage employment and we had several  
14 federal contracts through the Ability One contract, through  
15 Ability One and Source America. My -- interesting enough,  
16 also my background, when you talk about certification, is I  
17 am a national accreditation surveyor for CARF which is a  
18 national service that accredits CRPs. And so I have worked  
19 in every state except two and definitely have the interest  
20 in employment and just improving the quality of services.

21 MS. PACHA: Hi. I'm Jackie Pacha and I'm the  
22 founding Executive Director for the Brazos Valley Center for  
23 Independent Living which is one of the 27 centers for  
24 independent living in the state of Texas. We are the  
25 youngest center. We were founded out of (indiscernible)

1 money back in 2010. We're located in Bryan/College Station.  
2 I'm also affiliated faculty with Texas A&M University, the  
3 Center on Disability and Development.

4 My background, I have about 30-years of  
5 experience working at some particular level with people that  
6 have disabilities in employment-based settings. My husband  
7 has a brain injury, I have an adult child with a disability.  
8 As a Center for Independent Living, at least 51 percent of  
9 our employees are also people that have significant  
10 disabilities and we pay fair minimum wages, fair starting  
11 entry level wages. And I am not a fan of said minimum wage  
12 certificates and that's why I am here on this Committee.

13 MR. SERNA: Can I ask you something that's  
14 unrelated to that, but related to the other party, the TWC,  
15 this is more of a personal interest. Are you a service  
16 provider to our vocational rehab program?

17 MS. PACHA: Yes, we are.

18 MR. SERNA: Okay. Just to kind of like full  
19 disclosure.

20 MS. PACHA: Yes.

21 MR. SERNA: All right.

22 MS. PACHA: Yeah. In a complex --

23 MR. SERNA: And that, by the way --

24 MS. PACHA: In a complex, integrated, very  
25 strange, way.



1 MR. SERNA: Yeah.

2 MS. PACHA: Yes, so --

3 MR. SERNA: And by the way, we did not take  
4 that into consideration in our selection.

5 MS. PACHA: Correct.

6 MR. SERNA: Just to make clear to everybody  
7 else.

8 MS. ZAVALLA: My name is Judy Zavalla and I'm  
9 on the -- my daughter Amanda Miles (ph) in the red sweater  
10 and I are on the board for ARC, Brazoria and Galveston  
11 Counties. And Amanda was supposed to die in three days, but  
12 she's such an overachiever, she signed up yesterday to be an  
13 advocate for the -- ARC and I am very, very proud of her.  
14 And since I was here last time I had an illness that almost  
15 killed me, but I am back, and I've also signed on to be a  
16 board member of the Westover Cove apartment project in  
17 Alvin, which are for people with disabilities, both physical  
18 and mental.

19 MR. QUIGLEY: My name's Sean Quigley, I'm the  
20 Executive Director of On Our Own Services. We are a service  
21 provider through both the state use program and the Ability  
22 One program. We currently employ about 280 individuals with  
23 severe disabilities working service contracts. Again, all  
24 making more than minimum wage and above. And my interest in  
25 being here is that I am -- my twin brother is an individual

1 with disabilities and I saw the challenges that he faced in  
2 employment and now there had to be a lot more just like him,  
3 so 26-years ago we -- we got started.

4 MR. OOI: My name is Nicky Ooi, I'm the  
5 President and CEO of South Texas Lighthouse for the Blind.  
6 We've been around since 1964 in Corpus Christi. We employ  
7 -- our mission is to provide employment opportunities for  
8 people who are blind, and we have about 200 employees. So,  
9 we've been around since 1964. We participate in the state  
10 use and Ability One program. We have locations in -- two  
11 locations here in Corpus Christi and Victoria, Texas and we  
12 have operations throughout the country. And as far as  
13 Hawaii.

14 So, personally I've been employed at  
15 Lighthouse since 1987, so about 31 years and still enjoying  
16 it.

17 MR. GRAHAM: My name is Charlie Graham and  
18 I'm the CEO of Peak Performers here in Austin. We are a  
19 recruiting and staffing firm almost now exclusively for  
20 people who have disabilities. We staff the State of Texas.  
21 Thank you, Mr. Serna, for being one of our customers. And  
22 personally, I have been working in and around the employment  
23 sector for people who have disabilities for about 35 years.  
24 Peak Performers is the fourth nonprofit I have started or  
25 built with the purpose, my personal purpose, is to set a new

1 standard of employment for people who have disabilities.  
2 Although, at one point in my life I also started an  
3 apartment-style group home in 1980 in Portland. So that's  
4 me.

5 MR. ALLEN: Good morning. I'm Platt Allen.  
6 I'm the President and CEO of the Lighthouse for the Blind in  
7 Fort Worth. Our Technical name is Tarrant County  
8 Association for the Blind, so you may see us listed as both.  
9 We've been around since 1935, so a little -- a little longer  
10 than South Texas, not that we're proud of that, but been  
11 around a while. We provide both job opportunities to folks  
12 who are blind as well as services in the community, folks  
13 who are blind. Currently we operate in about 97 percent of  
14 our direct labor is blind labor and all of our average wage  
15 for those employees is about 10.75 an hour, and we have no  
16 one below minimum wage.

17 My interest in being on the committee is to  
18 help grow job opportunities for folks who are blind so that  
19 we can create more -- or provide more services to our  
20 community.

21 MS. HOHFELD: I'm Brooke Hohfeld. I am the  
22 grant coordinator for Texas Advocates. We're a statewide  
23 (indiscernible). We're all over Texas. We have 19 active  
24 chapters currently. And we -- we have self-advocacy skills  
25 -- we teach self-advocacy skills, and we do work with the

1 Capitol when they're in session, and we help our advocates  
2 work in the interim to get ready for the sessions and that's  
3 it.

4 MR. SERNA: And finally, last but not least.

5 MS. LACY: Hi, I'm Brandye Lacy. I am the  
6 marketing coordinator and advocate for the Austin Lighthouse  
7 or Travis Association for the Blind. We've been around for  
8 over 87 years. And we use help to provide employment and  
9 training opportunities for people who are blind. So that's  
10 why I'm here.

11 MR. SERNA: Excellent. Thank you. And then,  
12 Linda.

13 MS. LOGAN: Thank you. I'm Linda Logan. I  
14 work in the Texas Council for Developmental Disabilities. I  
15 apologize for being late. TCDD is basically a grant  
16 organization. We give about a little over \$4,000,000 in  
17 grants to programs and initiative that support people with  
18 disabilities in employment as well as other areas of life  
19 like education. And our most recent offering was peer  
20 review for people with disabilities in institutions. I  
21 guess I've been there about four years now, but I worked for  
22 the State of Texas since 1982.

23 MR. SERNA: Okay. So Linda and Brooke, one  
24 of the things that we talked about, our chairman, the  
25 Commission designated Kevin Jackson as Chair. He may be

1 suffering with the flu. He called me this morning as I was  
2 driving to work saying he had a fever, so he wasn't going to  
3 be able to make it. He felt very bad about that.

4 But he and I had talked about designating a  
5 Vice Chair or getting the Committee members to designate a  
6 Vice Chair. Since he's not here to lead that discussion and  
7 one of the things that I'd like to do is ask the Committee  
8 members if anybody is interested in doing that and so we'd  
9 have a round of votes so we can -- we can designate or get  
10 selected a Vice Chair versus TWC voluntolding somebody.

11 MR. QUIGLEY: I'll volunteer.

12 MS. ZAVALLA: Yes. Yes.

13 MR. SERNA: Anybody else interested? No?

14 All right. Sean, congratulations.

15 MR. QUIGLEY: Absolutely.

16 MS. ZAVALLA: Yes.

17 MR. SERNA: Now Sean, the agenda is yours.

18 MS. ZAVALLA: The paycheck's in the mail,

19 Sean.

20 MR. QUIGLEY: Well, thanks for nobody else  
21 volunteering.

22 MS. ZAVALLA: I thought about it, but no.

23 MR. QUIGLEY: The -- again, we've already --  
24 we've covered number one.

25 AGENDA ITEM NO. 2

1 MR. QUIGLEY: The -- update from the  
2 Workforce Commission?

3 MR. SERNA: Yes, sir. And I -- Sean, I'll  
4 help you as much as you need any help, sorry to kind of  
5 throw you in front of everything.

6 MR. QUIGLEY: That's all right.

7 MR. SERNA: He's jumping into the frying pan.  
8 Quick update on TWC's activities. Of course, the first  
9 thing that I had hoped to have done was have our attorney,  
10 Lana Chastain (ph), who is our open records attorney and  
11 heads up that department also talk to us about open records  
12 and open meetings. We'll do that at the next meeting.

13 With regard to the staff's activities, a  
14 couple of significant things have been going on. In my mind  
15 most significant of course is we've put an RF -- a request  
16 for proposal out for a new central nonprofit last year in  
17 summer. We in fact received responses, evaluated the  
18 responses, and negotiated a contract with TIBH in that role.  
19 It is a -- the terms of the contract will allow TWC to begin  
20 to take a little bit more active role in the management of  
21 the program, still engaging TIBH to the same extent that we  
22 have, but the agency, the Commission's idea is that there  
23 are some areas that the -- now that there's an agency that  
24 the program resides in, with no offense and all due respect  
25 to the previous council, it was a council and one staff

1 member. It was difficult for them to do a whole lot of  
2 things. Now it's in an agency that has in excess of 5000  
3 employees and some very robust programs, including the  
4 vocation and rehabilitation program, and we consider this  
5 primarily a vocation and rehabilitation program, not a  
6 purchasing program, that the contract allows us to begin to  
7 get -- engage and the TWC did engage in some of the other  
8 things that previously -- the council had relied a lot on  
9 TIBH for. And we'll talk about that as -- as we progress  
10 through the year.

11           As an example of one of those things TWC  
12 staff, primarily Kelvin and Howard, have started meeting  
13 with -- they're not audits, but meeting with various CRPs to  
14 look over CRP's -- I want to call it desk review of  
15 paperwork as required in statute and rule, the CRP stat --  
16 you know, CRPs have got to maintain accounting systems and  
17 payroll systems and have particular records on their  
18 employees that in the past TIBH was responsible for  
19 conducting those reviews, and we're now taking that  
20 responsibility.

21           They conducted a few; they, Kelvin and  
22 Howard, conducted a few reviews last year, a significant  
23 number of reviews last year, together. They were trying to,  
24 you know, kind of get down the processes. Now they'll be  
25 splitting up so we can -- we can engage more CRPs.

1                   Our intend in those reviews for the CRPs'  
2 benefit as well as the other committee members benefits, our  
3 intent is not to play get -- got you with the CRP, but  
4 rather, to point out any areas where the CRP may be lacking  
5 with regard to compliance with the statute or the rules of  
6 TWC and then help the CRP get on a path to kind of get those  
7 things resolved.

8                   In addition, the executive director or  
9 whoever he's designated at the CRP, will get briefed in  
10 advance that we're coming out, so none of them are going to  
11 be surprises. An advance that we're coming out. And will  
12 get briefed at the end of the review. We don't anticipate  
13 the reviews taking more than a day or so each based on the  
14 size of the CRP. Getting briefed at the backend on findings  
15 and then we'll produce a brief letter to the CRP saying  
16 here's what we've identified and the areas that we need to  
17 address.

18                   The concept, every CRP that is certified gets  
19 recertified every three years to participate in the program  
20 and our idea is that at least once in that three year period  
21 the CRP will be reviewed prior to recertification. So there  
22 will be a number of CRPs that are -- that are reviewed this  
23 year whose certifications are coming up this year as well,  
24 only because of the timing of when we start. The idea is  
25 that halfway through your certification there would be a



1 visit from the TWC staff to kind of look over what's going  
2 on and -- and then provide a report. And then we would use  
3 that information in reporting to the Commission when staff  
4 makes a recommendation to either recertify or not recertify  
5 a CRP. So that's our go forward plan and the purpose.

6 The other thing is we have in the past --  
7 TIBH has very successfully worked with the controller's  
8 office to address issues concerning the CRP and statewide  
9 procurement because that is a mechanism for how the funds  
10 are raised that support the employment of the individuals  
11 with disabilities who are employed by the CRPs.

12 We've taken an active role in meeting with  
13 controller's office as well. I have personally. To address  
14 -- one, to address issues that the program has and two, to  
15 address issues that the controller has with us. The  
16 controller has taken a very aggressive stance with regard to  
17 attempting to not include anything in the statewide catalog  
18 by a vendor that -- if a CRP provides a product or service,  
19 they work very hard to not duplicate that or compete, have  
20 another competing contract.

21 We still find there are some -- that there  
22 are some out there and we're going to work with the  
23 controller's office to address that. In addition, we've  
24 stressed with the controller's office that it's taking, for  
25 example, a longer period of time than necessary once the

1 commission has approved an item to go through whatever steps  
2 are necessary to -- to add that item to the catalog so that  
3 agencies can procure off of it. So we've mentioned that to  
4 them and they have reorganized and added staff resources to  
5 do that more efficiently and sooner. So we're -- we're  
6 pleased with that and we'll hope to see the results of that.

7 MR. QUIGLEY: Excuse me.

8 MR. SERNA: Yes, sir.

9 MR. QUIGLEY: Just real quickly. The -- I  
10 know that before that the council worked with the  
11 comptroller's office in order to set pricing for commodities  
12 and that sort of thing. Is that still -- I mean, how -- how  
13 is that procedure being handled now?

14 MR. SERNA: Sure. And let me take -- first  
15 of all --

16 MS. WILLIS: My sincere apologies. I've been  
17 trying to figure out parking for quite some time.

18 MR. SERNA: Yeah, we apologize. We're going  
19 to get that figured out because we have limited parking and  
20 one thing that I'll explain to you all, TWC is primarily  
21 federally funded, so we're responsible -- on the upside, we  
22 are responsible for all of our facilities versus the  
23 Facilities Commission. So for those of y'all who are not in  
24 state government, it means that we don't have duct tape  
25 holding our carpet down where it's torn; we replace the

1 carpet when it's torn. On the downside, we have to provide  
2 all of our employees our own parking solution, so it limits  
3 the space that we have. So we don't have access to state  
4 garages like other agencies do, but we'll have that worked  
5 out. I apologize if you --

6 MS. WILLIS: Oh, it's -- it's okay. It's my  
7 first meeting, so I think I'll be sure --

8 MR. SERNA: In the future -- in the future  
9 we'll send out a map of where everybody needs to park, where  
10 you can park, and where the spaces are, and --

11 MS. ZAVALLA: And those will be handicapped  
12 spaces?

13 MR. SERNA: Yes, ma'am. That's the other  
14 thing is we'll -- we'll ask if you need one and then we'll --  
15 - we have some available.

16 MS. ZAVALLA: Excellent. Thank you.

17 MR. SERNA: So if you could just tell us just  
18 a little bit about yourself and who --

19 MS. WILLIS: Yes, I'm representing the Health  
20 and Human Services Commission. My name is Rosalin Willis.  
21 And I am a procurement director in the procedure and  
22 contracting services division of HHSC.

23 MR. SERNA: And the one thing to note that  
24 Rosalin's position is that is the one position that is  
25 designated -- that role is designated to be filled in -- in

1 statute and in rule. So thank you for joining us.

2 MS. WILLIS: Thank you.

3 MR. SERNA: So back -- back, Sean, to your  
4 question. One of the things that came out of the  
5 legislative session that abolished the council and moved it  
6 over here was gave the controller a more specific direct  
7 role in providing feedback on pricing. But we had found, we  
8 at TWC found that some of the pricing that they were  
9 comparing us to or comparing the products to, were not  
10 pricing that agencies would take advantage of. In other  
11 words, they'd go to -- not eBay, but Amazon. Well, an  
12 agency can't go buy from Amazon.

13 MR. QUIGLEY: Right.

14 MR. SERNA: So there was a little bit of a  
15 discrepancy there and I had a meeting with them and -- and  
16 stressed to them that -- and gave them some examples that we  
17 had where -- where pricing didn't -- the comparative price  
18 didn't appear to be in a good comparison since an agency  
19 couldn't go buy that.

20 What I basically challenged them with is if -  
21 - if you use that price and we don't get a -- something on  
22 the catalog because of that, then my assumption is my agency  
23 can go buy from that source and not from the statewide  
24 contract. And of course they said well, no, that -- you  
25 can't do that, so well, then, why are you using that as the

1 example, it's not a fair example. And they're -- they're  
2 changing that practice now.

3 MR. QUIGLEY: Okay.

4 MR. SERNA: On the other side, they came back  
5 to me in that same meeting and said, in fact we had kind of  
6 this discussion, not directly because this is before I  
7 talked with the controller's office, but they came back to  
8 me and said, you have items on the catalog that there has  
9 been no examination of price to take into consideration  
10 changes in the market and we'd like you to look at that. So  
11 one of the things that I was going to say as part of my  
12 update was TWC will be working with TIBH and the CRPs to  
13 kind of look at our catalog and look at our pricing and see  
14 how we can adjust pricing to take into consideration change  
15 in markets without adversely impacting the CRPs and at the  
16 same time, kind of remove that argument from the  
17 controller's office.

18 MR. QUIGLEY: Okay.

19 MR. SERNA: Which is basically we'll -- we'll  
20 fix something if you fix something.

21 MR. QUIGLEY: Okay.

22 MR. SERNA: Yes, sir. That has -- that is an  
23 issue. The other issue that we have is -- and I think Fort  
24 Worth encountered this, is the length of time it was taken  
25 for -- and I'd mentioned this already -- the length of time

1 it was taking for the controller's office to issue object  
2 codes to put items on the catalog, and I think you might  
3 have, too --

4 MR. QUIGLEY: Yes.

5 MR. SERNA: -- put items on the catalog. A  
6 lot of times our CRPs have products that agencies are asking  
7 for and those products support -- the sale of those products  
8 support individuals with disabilities and with employees.  
9 The longer it takes to get a product to where an agency can  
10 buy not only affects the agency because they can't get what  
11 they want, but it affects our CRP. So I -- we did mention  
12 that to them and they did -- and -- and they actually showed  
13 me how they were changing their organization, they're --  
14 they're removing who this program reported to to another  
15 area that's focused on doing pricing and -- and setting up  
16 composite codes and things like that.

17 And then the final thing that I wanted to  
18 mention with regard to TWC activity is we have a -- because  
19 we're a large agency and we have an internal audit shop, and  
20 as a result we can -- our internal auditors will review our  
21 programs, and this is one of our programs, it is scheduled  
22 to be looked at by our internal audit shop. They did a  
23 preliminary review shortly after the program came on board.  
24 Most of that was geared towards looking at our internal  
25 processes, whether a review of products, a review of CRPs,

1 things like that. But I think their intent is to more  
2 broadly look at -- look at the program.

3 One thing I would like to know is the program  
4 is exclusively -- both at the CNA-level, the Central  
5 Nonprofit TIBH level, and the Workforce Commission level,  
6 the program is exclusively supported by revenues from the  
7 CRPs. We try to keep the amount that we need down to a  
8 minimum, basically two staff. I don't think we're charging  
9 for my time, so you all get me for free. The State doesn't  
10 get me for free, but you all do. We're charging salaries  
11 for two staff and their travel and the associated -- because  
12 again, we're federally funded, we act like a business. The  
13 associated benefits and shred that go with having employees,  
14 so, you know, space, light and electricity, that kind of  
15 stuff.

16 Our goal -- another goal of TWC is to have  
17 our internal auditors look at the -- look at our  
18 expenditures and how -- how the program is being funded and  
19 make sure that -- that we are as efficient as we can be so  
20 that the CRPs have the -- the benefit they need from paying  
21 a fee, without paying too much of a fee. And I think we'll  
22 see one of the benefits in just a little bit when TIBH talks  
23 about some of the things that they'll be doing that are new,  
24 we'll see some of the benefits of the -- some of the fees  
25 that we charge.

1                   So those are the things that -- that have  
2 been going on. If any of the committee members, and I'll  
3 make sure that you all have all my contact information. If  
4 any of the committee members need anything or have any  
5 questions concerning the program, the operation of the  
6 program, or just some of the other aspects of TWC's  
7 vocational rehabilitation responsibilities, y'all can feel  
8 free to reach out to me directly. You'll have my direct  
9 line and my cell line when I give it to you in just a little  
10 bit. And we can get those issues addressed. So anybody  
11 would have direct access to us. We don't kind of hide  
12 behind anything else. But y'all would have unique ability  
13 to kind of raise issues both as a committee and as  
14 individuals if anyone needed to.

15                   So that's all I have to say.

16                   MR. QUIGLEY: I have one more question for  
17 you.

18                   MR. SERNA: Yes, sir.

19                   MR. QUIGLEY: How does the work -- working  
20 with the Commission, how do -- how does -- how are y'all  
21 going to look at exclusions to purchase -- or exceptions to  
22 the purchasing?

23                   MR. SERNA: That's a good point. So what Mr.  
24 Quigley's asking about are exceptions. State agencies are  
25 required by statute to -- if a product or a service is



1 offered by a CRP, a state agency has to procure that product  
2 or service from the CRP. If they don't, then they -- they  
3 have to report an exception and that exception gets put on a  
4 report somewhere. And quite frankly, that's as far as it  
5 goes. There are no negative ramifications to having a  
6 report that says you didn't buy your pen or get your service  
7 from a CRP.

8           You have to put a reason why you didn't and  
9 price is not one of the reasons. I will tell you, firsthand  
10 experience having worked in state government for 32 years,  
11 agencies are creative. And Rosalin can tell you this as  
12 well. When we decide to come up with an excuse because we  
13 need to get something done quickly --

14           MS. WILLIS: Right.

15           MR. SERNA: -- so they'll come up with some  
16 other reason like I -- I need 10 of these and I only need  
17 10, I don't need a quantity of 50. Or I need 50 and I don't  
18 need it in sets of 10. I need one big bulk of 50. Which  
19 sometimes the C -- so they kind of learn -- or I need it by  
20 tomorrow. You know, I do have to have it by tomorrow when  
21 in fact the CRP is saying I can give it to you by Friday,  
22 two days from now, but I can't get it to you by tomorrow.  
23 Well, I need it by tomorrow so I'm going to go buy it from  
24 whoever.

25           We're going to work at that. What the

1 Commission has indicated is that they would expect starting  
2 with this year the report from staff to the Commission in  
3 public meeting indicating these agencies, a sort of a  
4 reading of the record. These agencies have -- have not used  
5 the program, these are the reasons, and then the Commission  
6 will decide how they want to address each of those cases  
7 individually.

8           Now, I will tell you, full disclosure, that  
9 the Commission is going to ask us, because they've already  
10 -- when we raised this issue, the Commission is going to ask  
11 us what the -- what the reasons are, and if an agency says  
12 well, you know, it's really price, but it's also price and  
13 delivery, that we're going to be able to explain how we were  
14 addressing price and delivery issues with them. But we  
15 intend to start making that more public. There is nothing -  
16 - this is kind of a double-edge sword -- there is nothing in  
17 statute or rule that says anything else gets done with the  
18 agency.

19           Now, theoretically, the state auditor  
20 periodically can review and does review state agencies, can  
21 in fact review an agency's purchases and look at -- look at  
22 those -- those purchases to determine whether they've  
23 adhered to all purchasing requirements and then they can get  
24 written up in an audit report which nobody likes to be in  
25 the state auditor report.

1 MR. QUIGLEY: Right.

2 MR. SERNA: Because those are the  
3 legislatures, et cetera, et cetera, et cetera. But beyond  
4 that, such as a financial penalty or, you know, some other  
5 penalty from the controller's office, anybody else, there's  
6 no penalty for not procuring. But I think our Commission is  
7 going to try to take a little bit more of a view to help a  
8 little bit more.

9 MR. QUIGLEY: Okay.

10 MR. SERNA: And that will be helping me in  
11 the commission meetings.

12 MR. QUIGLEY: Great.

13 MR. SERNA: Any other questions for me  
14 concerning our activities?

15 MR. GRAHAM: Mr. Chairman, could I ask a  
16 question?

17 MR. QUIGLEY: Yes.

18 MR. GRAHAM: A newbie question?

19 MR. QUIGLEY: Yes, sir.

20 MR. GRAHAM: The certification criteria that  
21 were discussed by the committee about a year ago, were those  
22 passed and is that now what you're using, what TWC is using  
23 as the criteria?

24 MR. SERNA: Yes, sir. The feedback that we  
25 received and was incorporated in the current rules.

1 MR. GRAHAM: Okay. Thank you.

2 MR. SERNA: yes, sir. And one thing I guess  
3 -- thank you for mentioning that because we mentioned rules  
4 and I didn't write it down. If I don't write it down, I  
5 forget. One of the things that we may be doing is opening  
6 the rules back up for this program's rules back up sometime  
7 this year before the -- and get it done before the end of  
8 the summer, opening the rules back up for some adjustments  
9 and modifications. And we'll certainly make sure the  
10 Committee knows when we're doing that.

11 We just -- we just redid the rules to kind of  
12 incorporate TWC and note some other changes, and it always  
13 happens, at least in my experience, after you get the rules  
14 down and everything you think is done, you find you forgot  
15 something or you didn't quite get something right and open  
16 the rules back up. And we talk to the Commissioners about  
17 that.

18 Anything else for me, sir, Committee members?  
19 All right.

20 AGENDA ITEM NO. 3

21 MR. QUIGLEY: All right. We'll move on to  
22 central nonprofit agency proposal for career counseling and  
23 staff development.

24 MR. WEBBER: Well, good morning. First of  
25 all, I'd like to start off with congratulating all of the

1 new members on the advisory committee and welcome you. I'm  
2 Fred Webber. I'm with TIBH, the central nonprofit agency  
3 that administers the day to day program for the State Use  
4 program.

5 In our response and in the RFP, there were  
6 some areas that are specific to what this committee oversees  
7 and the functions of the committee. So I asked for a few  
8 minutes this morning to address the advisory committee and  
9 update you on some of the TIBH new initiatives relating to  
10 career counseling and staff development training provided to  
11 the CRPs.

12 These initiatives were included in the recent  
13 RFP from TWC for the CNA services. As stated in the RFP,  
14 the program rules, TIBH is required to increase employment  
15 opportunities for individuals with disabilities, including  
16 employment paying minimum wage or higher by promoting  
17 development of person-centered planning which documents  
18 employment goals, employment counseling, and placement  
19 services provided by CRPs.

20 The RFP also required the CNA to provide  
21 career counseling and staff development training for  
22 employees with disabilities, including a plan to increase  
23 and to support integrated employment opportunities for  
24 persons with disabilities statewide.

25 In moving forward to meet these expectations,

1 TIBH included the following plan in its response in the CR -  
2 - in the RFP. To retain a qualified vocational  
3 rehabilitation consultant to advise it regarding CRP  
4 compliance with the above directives and to advise CRPs  
5 through informational materials and participation in CRP  
6 training, and will maintain this position with -- and  
7 expense in its annual budget planning.

8 Identify CRPs that currently have in place  
9 career counseling, staff development training, and  
10 integrated employment opportunities, and evaluate the  
11 relative norms expected from the oversight authority.

12 Identify CRPs that have minimal or no  
13 programs or capabilities to provide these services and --  
14 and initiate efforts to begin.

15 Consult with TWC-VR division and the Texas  
16 Rehabilitation Council to define what programs are necessary  
17 for CRPs to comply with the directive to provide career  
18 counseling and staff development training and integrated  
19 employment opportunities.

20 Explore how the current state use temporary  
21 services con -- services CRP vendors, which place hundreds  
22 of persons with employment each year and incorporate  
23 integrated employment goals and documentation of outcomes in  
24 their operations.

25 Continue to closely monitor the federal

1 regulations -- regulatory developments such as  
2 implementation of the WIOA rules and guidance and work to  
3 give more flexibility to facility-based employers with  
4 contracts under the federal and state programs.

5           Explore public/private partnerships to link  
6 private industry employers with CRPs seeking integrated  
7 employment options for certain workers.

8           Evaluate the realities of encouraging CRPs to  
9 regularly outplace their qualified employees versus  
10 maintenance of stable and experience workforce that can  
11 fulfill the expectation of the CRP state use customers and  
12 evaluate realities of encouraging employee outplacements to  
13 integrate employment in view of potential loss of employer's  
14 -- employee's Medicaid and other public benefits from  
15 increased income.

16           TIBH has already begun to move forward with  
17 these initiatives and has retained the services of a  
18 vocational rehabilitation consultant to prepare a curriculum  
19 to be used for CRP staff training. We are currently working  
20 with this individual to develop training sessions for CRPs  
21 on person-centered planning and other career counseling  
22 opportunities.

23           TIBH will submit the plan to TWC for its  
24 approval and work with their VR staff to ensure a unified  
25 message is being presented. Last summer TIBH invited TWC-VR

1 staff to participate in its regional training seminars  
2 provided for CRP staff. They were able to outline services  
3 available to CRPs locally.

4 We have surveyed a number of the CRPs  
5 providing career counseling and staff development training  
6 and integrated employment opportunities. As a result in the  
7 2017 annual report, approximately 80 percent of the CRPs  
8 involved in the state use program currently have some type  
9 of person-centered training planning in place.

10 TIBH is a member of two federal programs;  
11 state use program associations and access, which assist us  
12 closely in monitoring federal activities related to  
13 regulatory and development such as WIOA and shares that  
14 information with TWC and CRPs.

15 We look forward to continuing these new  
16 initiatives increasing employment opportunities for Texans  
17 with disabilities. We are available to update the advisory  
18 committee on our progress in developing these programs in  
19 each of the meetings.

20 I just wanted to kind out outline -- that was  
21 a new section in our -- in our requirements as Ed was  
22 talking about and I wanted to let you all know that we're  
23 moving forward on incorporating these new initiatives. So  
24 I'll be glad to answer any questions or --

25 MR. QUIGLEY: I've got a quick question. Do



1 you have a timeline on when the curriculum with be submitted  
2 to TWC?

3 MR. WEBBER: We have a -- we have an outline  
4 of the curriculum. I think we were planning on, as we go  
5 out and do our -- our compliance seminars, my -- my thinking  
6 is, I haven't gotten the approval from Mr. Serna and the  
7 staff, I would like to have it done and go out and start  
8 that in the spring or the summer and do the, you know, do  
9 our hopefully handling so that we'll have the training in  
10 the afternoon and then -- well, in conjunction with TWC's VR  
11 program, and do that. So the curriculum, I have an outline  
12 of the -- of the curriculum, but I've got to figure out how  
13 we -- how they'd like for us to -- how they would like for  
14 us to present it.

15 MR. QUIGLEY: Thank you.

16 MS. PACHA: I have a question. I'm curious  
17 about the person-centered practices training that you're  
18 talking about and who it applies to. And you're use -- you  
19 used the term CRPs involved in the state purchase program or  
20 yeah, involved in the State Use program.

21 MR. WEBBER: Uh-huh.

22 MS. PACHA: I've been -- and this may also  
23 involve you. My -- my confusion is, are we talking about  
24 only CRPs that are involved in the State Use program or are  
25 we also talking about CRPs that exclusively provide

1 vocational rehabilitation service contracted services?

2 MR. WEBBER: The only ones that we reach out  
3 to that we train are the ones that are involved in the  
4 program under the State Use program. So it would not  
5 involve -- I mean, again, I'm going to leave it to the  
6 directive of what TWC and -- and their vocational reha --  
7 and the Vocational Rehabilitation department there and that  
8 we work in conjunction, but as far as the other providers, I  
9 don't have any --

10 MS. PACHA: No, that's fine. And that was  
11 really one of -- one of my -- I'm just not clear when we use  
12 the term CRP.

13 MR. WEBBER: Right.

14 MS. PACHA: Even though I've been involved  
15 with CRPs for 30 years, there seems to be a disconnect in --  
16 in my ability to reconcile that CRP term with the  
17 information I'm giving --

18 MR. WEBBER: Right.

19 MS. PACHA: -- with the information I'm  
20 receiving, it -- it's not computing, so.

21 MR. WEBBER: So that's a -- that's a great  
22 point, because we were talking to our -- our vocational  
23 consultant the other day and we had been talking about CRPs  
24 like it was -- and he goes, now, my definition of CRPs is  
25 this --

1 MS. PACHA: Right.

2 MR. WEBBER: -- and yours is that. But these  
3 are -- these are the -- the nonprofit --

4 MS. PACHA: The central nonprofit agency --

5 MR. WEBBER: Well, we're -- well, these are  
6 the -- these are the CRPs, Community Rehabilitation  
7 Programs, lighthouses, that are participating in our  
8 program. And currently we have approximately 115 of -- of  
9 those -- of those now.

10 MR. SERNA: So one of the things that I --  
11 I've -- and Jackie, I appreciate you asking that question  
12 because it -- it led me to think there's something again I  
13 didn't write down. But one of the other advantages of the -  
14 - of this program being in -- in TWC where Vocational  
15 Rehabilitation got moved over is we are trying to find links  
16 and synergies between the programs. So for example, we've  
17 asked the Vocational Rehabilitation staff to compare our  
18 CRPs to their list of CRPs. We're looking to use some of  
19 the same definitions and follow some of the same  
20 requirements where they're applicable so we begin to -- we  
21 begin to link those. But all the stuff that the CNA does is  
22 exclusively in support of the 115 or 20 CRPs that are  
23 certified to be in this program. And that's an entirely  
24 separate certification.

25 They -- there's a set of forms and process

1 that they go through to get signed off on by our Commission.  
2 The CRPs like yourself that you're thinking of don't really  
3 get approved by our Commission, it's a whole nother process  
4 to become a CRP. I think eventually our Commission may look  
5 to answer some of the same confusions of okay, this is a  
6 CRP, and this is a CRP, they're not the same CRP.

7 MS. PACHA: If they have the same exact name  
8 -- they have the exact same name and --

9 MR. SERNA: Right.

10 MS. PACHA: -- the exact same terminology,  
11 but different definitions.

12 MR. SERNA: Yes, ma'am.

13 MS. HERBEIN: And are -- I'm sorry, are some  
14 CRPs both?

15 MS. PACHA: Probably.

16 MR. SERNA: Yes, ma'am. There are some CRPs  
17 that are both service providers to our Vocational  
18 Rehabilitation customers and that participate in the program  
19 and we have some that that are not. We'll have that list  
20 available because we want to -- we don't want to send out  
21 information to any provider that is not in the program. We  
22 know who they are that aren't. But at the same time, we  
23 want to make sure that there's some -- some linkage so we're  
24 not doing anything that's contradictory.

25 So for example, a contradictory thing, and we

1 walked about this previously, is the new federal Workforce  
2 Incentive Opportunities Act, WIOA, prevents an entity like  
3 TIBH that has a financial interest in a program from  
4 providing particular types of support for individuals.  
5 Conversely, there are things that our vocational  
6 rehabilitation counselors, again under WIOA, are beginning  
7 to not be able to do in assistance of CRPs. As an example,  
8 refer -- refer staff, because of requirements in the  
9 federal, whereas, we have a -- we have a requirement to  
10 support the program and support those CRPs. So we're trying  
11 to reconcile that and make sure that we don't -- we're not  
12 stepping on ourselves here at the Agency or in the program.

13 MS. HERBEIN: Okay. Thank you.

14 MR. SERNA: And everything that -- that we  
15 talk about with regard to these 115 or 20 Community  
16 Rehabilitation Programs in this program.

17 MS. HERBEIN: Thank you.

18 MR. WEBBER: Thank you, sir.

19 MR. SERNA: Mr. Chairman, with the  
20 Committee's indulgence, this -- this next item Mr. Jackson  
21 had asked that there be a discussion about a mission  
22 statement. I think it might be worthwhile to have him  
23 participate in that unless you all want to proceed without  
24 him.

25 MR. QUIGLEY: I'd be more than happy to wait.

1 MR. SERNA: Okay.

2 MR. ALLEN: Do we need a motion to table that  
3 item or not?

4 MR. SERNA: We probably should.

5 MR. ALLEN: I'll move to table that -- table  
6 item IV --

7 MR. QUIGLEY: Second?

8 MS. PACHA: I'll second.

9 MR. ALLEN: -- until Mr. Jackson returns.

10 MR. QUIGLEY: And all in favor?

11 (Chorus of "ayes")

12 MR. QUIGLEY: Opposed? Motion carried.

13 MR. SERNA: Thank you.

14 AGENDA ITEM NO. 4

15 MR. QUIGLEY: The next item will be the  
16 discussion and possible action -- possible actions regarding  
17 the program performance measures. Anyone want to discuss  
18 these?

19 MR. SERNA: Let me kind of interject just a  
20 little bit, Mr. Chairman. The document that you received  
21 were the performance measures that those of y'all who were  
22 on the committee before may recall were worked on, developed  
23 and submitted to the Commission. The Commission members  
24 asked that the Committee reexamine -- take the opportunity  
25 to reexamine some of these, did not vote on them, but take

1 the opportunity to reexamine some of these in light of  
2 things like the WIOA and changes in the program and -- and  
3 what the CRPs and the individuals representing advocacy  
4 areas and other individuals had in mind. So that's why  
5 we've presented them to you again. But as opposed to  
6 starting from a blank page, staff thought that we would  
7 bring these proposed measures up for discussion and the  
8 initial thought is certainly the Committee can act on these  
9 now, but that the Committee consider discussing some of  
10 these maybe, if anybody has any ideas about modifying some  
11 of them, but actually not take action on them until some  
12 point in the future when the Committee has had time to  
13 digest and think about the program. And by the way, that's  
14 just kind of standard language that we use, discuss the  
15 possible action in case the Committee does decide to act  
16 they're not excluded from that.

17 MR. QUIGLEY: Well, just for clarification,  
18 if I remember correctly, all of these passed out of the  
19 advisory --

20 MR. SERNA: Yes, sir. After several meetings  
21 as a matter of fact.

22 MR. QUIGLEY: Yes.

23 MR. SERNA: And good debate.

24 MR. QUIGLEY: And good debate.

25 MS. HERBEIN: So can I -- just a clarifying

1 question. So the -- the first two are for the CRPs and  
2 that's something that when these two gentlemen go out and  
3 look at and do some audits you'd be looking at or how is  
4 that to be reported?

5 MR. SERNA: It would be reported two ways.  
6 One, we would get a -- from the CRPs to TIBH and from TIBH  
7 to -- to the Commission and the advisory committee, we would  
8 get regular reports on the status. So when you look at the  
9 reporting frequency, second is the review that Kelvin and  
10 Howard would do would be with regard to the data behind  
11 that.

12 MS. HERBEIN: Uh-huh.

13 MR. SERNA: So when they go visit a CRP and  
14 the CRP has reported yes, I've achieved my target, they --  
15 they would look to the fact the data supports it to validate  
16 that they've in fact met the target --

17 MS. HERBEIN: Uh-huh.

18 MR. SERNA: -- and that they're -- they're  
19 proceeding accordingly and that they're executing to these.

20 MS. HERBEIN: And then who does that back end  
21 check on the central nonprofit --

22 MR. SERNA: We do -- we do the back end check  
23 on the central nonprofit --

24 MS. HERBEIN: Also.

25 MR. SERNA: Yes, ma'am.



1 MS. HERBEIN: Okay.

2 MR. SERNA: As -- as our -- there are --  
3 interesting enough, in -- in the statute and the rule there  
4 are specific things that the central nonprofit has to  
5 perform, duties they have to perform. The Committee worked  
6 very hard to establish performance measures for the  
7 nonprofit, but it would be TWC in its role as managing the  
8 program and managing the contract that would review --  
9 receive and review those performance measures.

10 MS. HERBEIN: Uh-huh.

11 MR. SERNA: And that would get reported with  
12 the same frequency as the agency's other measures. We -- if  
13 you're not familiar with TWC, we hold a quarterly work  
14 session with our Commission --

15 MS. HERBEIN: Uh-huh.

16 MR. SERNA: -- and one of the agenda items on  
17 that work session are performance measures that we have a  
18 division that's just dedicated to performance measures.  
19 That's all they do for all of our programs. And that  
20 division director, Adam Leonard, reports out on our  
21 performance and the trends. So he would -- assumedly these  
22 would be incorporated in his report. If not, then -- then I  
23 or staff would report separately to the Commission on the  
24 program performance.

25 MS. HERBEIN: And under number one for the

1 CNA, there's no target?

2 MR. SERNA: No, and that's one of the things  
3 that we have left open-ended, which is why we're -- it's  
4 coming back for discussion. Since most of these are -- are  
5 new -- new measures, and I don't -- and again, I don't mean  
6 this negatively towards the council, but there were no  
7 performance measures previously which is probably why the  
8 Legislature decided that there needed to be an advisory  
9 committee to provide input with regard to performance  
10 measures. So that -- that was something that wasn't --  
11 wasn't established and that's one of the reasons that the  
12 Council chose not to move forward with these and bring them  
13 back to the Committee is to -- is to sort of stick a stake  
14 in the sand, realizing that that target may need to be  
15 adjusted because there's no historical information to say  
16 what that estimate ought to be.

17 We could say it needs to be a hundred --

18 MS. HERBEIN: Right.

19 MR. SERNA: -- or 10.

20 MS. HERBEIN: There's no baseline.

21 MR. SERNA: There's no historical basis to  
22 say here's what we've done.

23 MS. HERBEIN: Right.

24 MR. SERNA: So that's kind of up for y'all's  
25 expertise and --

1 MR. QUIGLEY: I think part of also why that  
2 was left open-ended like that was that there was no -- the  
3 CNA had never actually gone out to the CRPs to determine who  
4 could -- who was capable and who was not capable of  
5 providing that -- the counsel.

6 MS. HERBEIN: Okay.

7 MR. QUIGLEY: And I believe that they've --  
8 we've surveyed all of your CRPS at this point.

9 MR. GRAHAM: Mr. Chairman, may I ask a  
10 question?

11 MR. QUIGLEY: Certainly.

12 MR. GRAHAM: Being a new -- another newbie  
13 question.

14 MR. QUIGLEY: No problem.

15 MR. GRAHAM: On the -- the first performance  
16 measure on the list there, the target of four percent per  
17 year. Is that four percent growth per year or is that four  
18 percent of the population that are serviced in workshop  
19 facilities?

20 MR. QUIGLEY: It -- it -- when it was  
21 discussed before it was based on each individual CRP and it  
22 was four percent of the individuals that they serve with  
23 disabilities.

24 MR. SERNA: So it's population, not growth.

25 MR. GRAHAM: Okay.

1 MR. SERNA: It's population.

2 MR. GRAHAM: Okay. Does anybody know what  
3 that number is, universe-wide here?

4 MR. SERNA: I think the information that we  
5 had provided was based on a total population in the program  
6 of approximately 6000 individuals -- well, not individuals,  
7 but -- so we have -- and as Ms. Logan might remember the  
8 discussions, the calculation of the individuals  
9 participating in the program is based on hours calculation  
10 not on a head count. So in fact, there may be more  
11 individuals in the program, but because they work part-time,  
12 two individuals working and so if two individuals working 20  
13 hours each accounts for one of the 6000, versus two in the  
14 6000. But the four percent was based on that rough 6000 as  
15 I recall. Because that was the population of total  
16 employees in the program.

17 MR. GRAHAM: So that's 240 people is the  
18 target?

19 MR. SERNA: Is the target.

20 MR. GRAHAM: Okay.

21 MR. SERNA: But it would be --

22 MS. LOGAN: Based on FTEs.

23 MS. HERBEIN: Right.

24 MS. LOGAN: Not based on -- not based on  
25 individuals.

1                   MR. SERNA: FTEs, not based on the sole  
2 individual. And it is at each of the CRPs. So a larger CRP  
3 would have a larger number of individuals than a smaller  
4 CRP. And in some cases, the challenge with the small -- the  
5 really small CRPs where there are a total of five employees,  
6 four percent -- you can't get four percent of five. So  
7 their percentage would be higher.

8                   MR. GRAHAM: Thank you.

9                   MS. HERBEIN: Hmm.

10                  MR. SERNA: So again, the idea that -- that -  
11 - that we would reexamine this, we can certainly continue a  
12 discussion on the performance measures. As Mr. Quigley  
13 pointed out, these are -- these were agreed to through  
14 several iterations. I think Jean still has some of the  
15 arrows that were pulled out, so does Logan and Shawn, but  
16 they are still open, so I don't -- we don't want -- we at  
17 TWC don't want the committee to think that these are the  
18 only ones nor that these -- any of these are not open to  
19 discussion or adjustment.

20                  So, for example, Michelle, setting targets  
21 would be a good thing to do; the ones that don't have them.  
22 If you want to adjust a target, we can certainly adjust a  
23 target. Or if we want to add a measure or take a measure  
24 off or adjust them, that will be up to the Committee. But  
25 we would like to at least start from -- from these, in this

1 direction.

2 MS. LOGAN: Mr. Serna.

3 MR. SERNA: Yes, ma'am.

4 MS. LOGAN: Do you think it would be just for  
5 future use good to clarify that four percent is four percent  
6 of the total FTEs annually per CRP? You know, what -- go  
7 ahead and get that sort of nailed down, whether it remains  
8 four percent or not.

9 MS. HERBEIN: How did four percent -- I mean,  
10 some history on just how did it become four percent or why  
11 was that recommended.

12 MR. SERNA: As I recall, that was sort of a  
13 number that got drawn out of the air since there were no --  
14 but quite frankly, and the committee members can correct me  
15 if I'm wrong, but --

16 MS. ZAVALLA: Had to start somewhere.

17 MR. SERNA: Right.

18 MS. LOGAN: Right.

19 MR. SERNA: Yeah. It was just -- it was just  
20 a we gotta get started someplace and we picked four. And  
21 there was much gnashing of teeth for a higher or a lower  
22 number, and we just kind of picked a number with the intent  
23 of addressing.

24 MS. HERBEIN: But we don't have a baseline  
25 now of --

1 MR. SERNA: No, ma'am.

2 MS. HERBEIN: -- what it is?

3 MR. SERNA: None -- none of these measures  
4 have any baseline. And as a matter of fact, the thing that  
5 -- the information that Mr. Webber provided is the start of  
6 that and it's probably the genesis is from the performance  
7 measures and you'll see they have reasonability and the CRPs  
8 do as well, but there -- there's no information that we  
9 could have relied on or can rely on since there have been no  
10 performance measures or any information collected with  
11 regard to this in the past. So we actually have -- we're  
12 actually adding a blank sheet with regard to historical  
13 data.

14 MS. HERBEIN: Hmm.

15 MR. ALLEN: Mr. Quigley?

16 MR. QUIGLEY: Yes.

17 MR. ALLEN: Again, neophyte new guy. Is it -  
18 - is it within the scope of this Committee to be able to  
19 form subcommittees? Is it possible that we can form a  
20 subcommittee that would review these metrics, their efficacy  
21 and --

22 MR. QUIGLEY: Yes.

23 MR. ALLEN: -- the impact they may have on  
24 how easily they are to be collected or how easily they would  
25 be manipulated?

1 MR. QUIGLEY: Yes, it -- we can form  
2 subcommittees, but we also have to be careful about the open  
3 records and the open meetings. And I would want to wait  
4 until everybody was briefed by the TWC open records folks  
5 before we formed any subcommittees, just to be sure that  
6 we're not in violation of the open meetings.

7 MR. ALLEN: Okay. Thank you.

8 MR. QUIGLEY: Yeah.

9 MR. ALLEN: I have a background in  
10 measurement and when I read these measures, something like  
11 perceived and increased wages, that's an easy one to  
12 manipulate by simply increasing it by a penny.

13 MR. QUIGLEY: Right.

14 MR. ALLEN: So --

15 MR. SERNA: And that was one of the things  
16 that we had talked about.

17 MS. LOGAN: That's right.

18 MR. SERNA: So I think it would be -- I think  
19 the Chairman's comments with regard to having some  
20 information from our -- our staff with regard to briefing on  
21 that. Now, what I would suggest, if it's okay with you, Mr.  
22 Chairman, is if you can get individuals that are interested  
23 in participating and at least kind of get those names down  
24 now, that way I can touch base with our attorneys and if  
25 they say yeah, there's no issue as long as it's, you know,



1 no more than three or four, something like that.

2 MR. QUIGLEY: Right.

3 MR. SERNA: And then we can -- I can get that  
4 back to the Committee and we can move forward without a vote  
5 because there would have already been an action versus  
6 waiting until the next meeting which may be a couple of  
7 months from now.

8 MR. QUIGLEY: Great. My suggestion to  
9 everyone here is if we're going to do that, that we -- we  
10 divide this out and see if we can get a few folks on each  
11 item to -- to discuss. And again I'm -- the way I  
12 understand it is -- and Ed, correct me if I'm wrong, the --  
13 you know, emails back and forth amongst those people is  
14 fine, as long as, you know, we -- we can carbon copy Kelvin  
15 or something. Is that necessary?

16 MR. SERNA: Yes, sir. As long as y'all don't  
17 reply to all, no replying to all because then that's a --  
18 y'all can't vote without meeting.

19 MR. QUIGLEY: Okay.

20 MR. SERNA: So Kel -- Kelvin sends something  
21 out or one of y'all send something out, that there's no  
22 reply to all like yeah, I agree with this, because that's a  
23 vote.

24 MR. QUIGLEY: Right.

25 MR. SERNA: And y'all can't vote --

1 MR. QUIGLEY: Okay. All right.

2 MS. HERBEIN: Can I ask just one more -- I'm  
3 sorry, one more question? I feel like this is putting the  
4 cart before the horse. I mean, could the Committee make a  
5 recommendation to try to get a baseline on these numbers  
6 before goals are set? I mean, it seems like to me that  
7 because they are so open to interpretation, that if an  
8 organization or a CRP was asked to just provide information  
9 very specifically about a few things, without it being like  
10 oh, are you hitting a target or not --

11 MR. QUIGLEY: Right.

12 MS. HERBEIN: -- then the Committee could  
13 easily take a look at that and see what -- what could be  
14 increased or what -- it just feels odd to me be coming up  
15 with goals when you don't know where they are right now.

16 MR. QUIGLEY: Right. And that was the --  
17 part of the discussions before is that there has been no  
18 history of this information being gathered on the quarterly  
19 reports, because every CRP has to provide a quarterly report  
20 to TIBH and then they send it to TWC.

21 And so, I think one of the issues that we had  
22 before was yes, we didn't have a baseline and that's why we  
23 started with --

24 MS. HERBEIN: Right.

25 MR. QUIGLEY: -- the four percent in there.

1 But the -- the -- the quarterly report was going to be  
2 adjusted to capture this information.

3 MS. HERBEIN: So has that happened?

4 MR. QUIGLEY: It has not. Because again,  
5 this is not -- this has not been approved by the Texas  
6 Workforce Commission so the quarterly report form has not  
7 changed.

8 MS. PACHA: So Mr. Quigley, I have a  
9 question.

10 MR. QUIGLEY: Yes.

11 MS. PACHA: It seems like there was a  
12 committee obviously before. I don't know who amongst us are  
13 brand new. I know I am brand new.

14 MR. QUIGLEY: Right.

15 MS. PACHA: This is the first time I've sat  
16 here on this Committee and it seems like there may be many  
17 of us who are brand new and that there -- this Committee  
18 beforehand did an awful lot of work on this.

19 MS. ZAVALLA: Amen.

20 MS. PACHA: Before they put it forth, before  
21 it got into this format.

22 MR. QUIGLEY: Correct.

23 MS. PACHA: And we each have our own  
24 interpretations and tweaks and whatever. But I think that  
25 while it could def -- you know, I mean, I wasn't here to

1 provide public input before, so I'm not going to -- I'm not  
2 going to shoot the messenger. But I'd just like to know  
3 when are we going to -- when are we going to -- we have not  
4 seen the quarterly reports, we don't know exact -- I don't  
5 know exactly what the program is in order to be able to  
6 competently say I've got an opinion about these proposed  
7 performance measures.

8 MR. QUIGLEY: Right.

9 MS. PACHA: I agree with Mr. --

10 MR. ALLEN: Allen.

11 MS. PACHA: -- yep, thank you. That it --  
12 and people who traditionally deal in measurement and  
13 statistics and things like this, this is not written in that  
14 way, but it's probably also not meant to be interpreted that  
15 way for -- for the average reader. So I -- I personally  
16 would just be a fan of recognizing the Committee's work that  
17 had been done prior to us and collecting this and then what  
18 -- and having a date that, you know, when are we going to  
19 review this, when are we going to review this again, when we  
20 have more information, instead of prolonging what appears to  
21 be agony.

22 MS. ZAVALLA: If I'm not mistaken, I think it  
23 was two meetings that we took to cover this. It was the  
24 most laborious project I have ever entered in and if you --  
25 I just want y'all new people to understand that we can't

1 help it that there's no numbers, but this is our way of  
2 getting better and being responsible. But when you start  
3 from nothing, it takes forever.

4 And so, I -- yes, there -- they're  
5 guesstimates right now, but you have no idea how much time  
6 it takes to fix them. And so, we will do that, but I -- I  
7 applaud the committee. When you start with nothing, you're  
8 a miracle worker when you come up with anything.

9 MR. QUIGLEY: Now, part of the other thing  
10 that I remember discussing when we were discussing these is  
11 that many of these things for those of that do federal  
12 contracts and do the quarterly reports for federal work,  
13 this is already part of that. You know, these -- the -- the  
14 -- the outplacements, the increased wages, without  
15 increasing job duties or what have you, and then increases  
16 with supervisory duties, so, you know, some of the work  
17 centers like On Our Own Services, we already have that  
18 information. But the ones that don't participate in that  
19 have never been asked for that information and therefore,  
20 there's no baseline for those -- those individuals -- those  
21 groups.

22 MR. SERNA: How about if I -- if it's okay  
23 with y'all, staff will take the to-do to try to gather some  
24 information, maybe not hist -- well, historical, relying on  
25 the -- some of these -- some of the participating CRPs that

1 -- that may have it and meeting with those CRPs that may not  
2 and then try to extrapolate some historical trends or at  
3 least historical information.

4 MS. ZAVALLA: I like that. I think that's a  
5 good start.

6 MS. PACHA: That makes sense.

7 MR. SERNA: We can move forward with that and  
8 -- and get that to the Committee. And where we don't --  
9 absolutely don't have anything, for example, the -- the  
10 Central Nonprofit has never had a program for offering  
11 career counseling and training in effect, that first measure  
12 in the Central Nonprofit, they -- they simply never had  
13 that. That's a requirement that was placed on them by TWC  
14 in its contract and based on the feedback from the Committee  
15 through these measures. But they -- they have zero  
16 experience and zero historical basis for doing that, so  
17 there may be some things where it's -- there's nothing  
18 there, so we just stick a stake in the sand and adjust.

19 In other cases as Mr. Quigley pointed out, we  
20 may be able to -- to extrapolate what might be the case for  
21 a particular type of CRPs, but then there's still going to  
22 be some CRPs that -- that would say I -- we've never done  
23 that, we've never had to do that, so I have no information  
24 on that. If I had to I would probably guess I could do such  
25 and such and such or I can't. So let us take a stab at

1 trying to collect some of that, because I -- to be quite  
2 frank, I think part of what our Commission saw was -- was  
3 some of the same thing that I think recognized -- the  
4 Commissioners, I think they recognized as well -- well, when  
5 I talked to the head of our operational insights division  
6 who does all our measures, the first thing they asked was  
7 the same thing that you're asking. You know, what does  
8 historical data look like and we said there is no historical  
9 data. Then his response was well then, get something in  
10 place so you can start collecting it.

11 So -- and that's what we reported back to the  
12 Commissioners because the Commissioners have the same -- you  
13 know, you're missing some targets or historical, at least in  
14 the briefings that I had with them. And they didn't -- by  
15 the way, the Commissioners did not want to take an act on  
16 these to vote no to them, to summarily say go back to the  
17 drawing board, nor do they want to take the action until  
18 this Committee was reformed to say yes, we like them or  
19 don't like them. They just said go back and work with the  
20 Committee.

21 MR. QUIGLEY: Yeah.

22 MS. ZAVALLA: We have a new set of eyes with  
23 the new members here so --

24 MR. SERNA: Yeah. And by the way --

25 MS. ZAVALLA: -- that makes sense.

1 MR. SERNA: -- just to let you know, half the  
2 committee by design rolls over with the exception of the  
3 HHSC, half the committee rolls over every two years, so we  
4 have a four year term, committee members that were here  
5 before, their term expires in two years because they can  
6 only serve a four year term. So half the committee is  
7 turned over.

8 MS. HERBEIN: Yeah, I mean, it's very clear  
9 that a lot of work went into this. It was -- it's just  
10 really hard to sit and look at --

11 MR. SERNA: Yeah.

12 MS. HERBEIN: -- numbers when you don't have  
13 anything to start with.

14 MR. QUIGLEY: And -- and that's the -- again,  
15 I believe that was why we came up with the four percent, is  
16 just as a something -- a number to start with, to see all  
17 right, we -- our goal was -- our target was four percent,  
18 did it come back in at eight percent, did it come back in at  
19 three percent, because then we can adjust that goal on an  
20 annual basis moving forward.

21 MS. HERBEIN: Uh-huh.

22 MR. QUIGLEY: And again, I think also for,  
23 you know, the CRPs that are participating in the program and  
24 that -- that -- that have the data or even don't have the  
25 data, it -- they should be able to have a measuring stick to



1 work towards in my opinion.

2 MS. ZAVALLA: And we used that number like  
3 the four because we're not sure and we don't want to be  
4 overzealous with it. And then on the other hand, we don't  
5 want to expect them to do nothing. So that's just a  
6 kickstart to start from there and then we'll find out if  
7 it's realistic as we gather the information.

8 MR. ALLEN: Excuse me?

9 MR. QUIGLEY: Yes, sir.

10 MR. ALLEN: I'm sorry. With a straight table  
11 it's hard to get the --

12 MR. QUIGLEY: Yeah. We'll do the --

13 (Laughter)

14 MS. ZAVALLA: I'm getting a crick in my neck.

15 MR. ALLEN: What is the -- I know that the --  
16 the revised legislation requires that there be performance  
17 measures, but it does not state, I don't believe, on how  
18 those measures are to be used as a tool for TWC or TIBH, to  
19 improve, modify, condemn, whatever, the program. What --  
20 what is -- what was the intention in developing these  
21 metrics for how they would be used as a -- as a tool for --  
22 for TWC or TIBH?

23 MR. QUIGLEY: In the discussions there was  
24 discussions about whether or not these performance measures  
25 would be used for -- by the Texas Workforce Commission for

1 the recertification of a work center. If the -- you know,  
2 whether or not they would use, you know, this or not was  
3 kind of open-ended because we don't know if they would -- if  
4 they would change the rules or reopen the rules to that.  
5 But it was so that the -- the information could be provided  
6 to the Commission at the renewal of a certification or what  
7 have you to say to a work center, you know, you've -- you've  
8 met your goals or you haven't met your goals and, you know,  
9 this is what -- you know, I don't know if it would be a  
10 probationary period or what -- what have you, but it's a  
11 baseline so that the program -- anybody looking in from the  
12 outside, as well as anybody looking from the Commission's  
13 standpoint or whatever, is -- is are the work centers doing  
14 what the program was set up for and is there -- is there  
15 growth within the program, is there opportunities for  
16 individuals to be outplaced, are there -- is there upward  
17 mobility within the work center, et cetera. And this gives  
18 -- you know, these -- these matrix here give us an idea of  
19 what is happening within the -- within the program.

20 MR. ALLEN: So just one top of the mind  
21 concern that was generated from those comments is that let's  
22 say that my board of directors has a -- an objective for me  
23 to have zero turnover. We all know that's unattainable, so  
24 I'll go with the extreme. Has zero turnover. If I'm being  
25 measured by TWC on the amount of folks that I have outplaced

1 out of my organization, I am now being -- I'm working  
2 contrary to -- from my boss to another boss.

3 MR. QUIGLEY: Right.

4 MR. ALLEN: How would we suggest we reconcile  
5 between the individual objectives that are -- that are  
6 placed upon organizations like ours by our boards of  
7 directors and those requirements placed on us by outside --  
8 outside entities?

9 MR. QUIGLEY: Again, I think that it's --  
10 it's not just the outplacement, it's also the --

11 MR. ALLEN: Let's use that as one example.

12 MR. QUIGLEY: Right.

13 MR. ALLEN: It could be any number of things  
14 that could be contrary to what the objectives of the  
15 organization might be.

16 MR. QUIGLEY: And again with -- and it's  
17 another item, but employment of choice. You know, if -- we  
18 want to be the best employer in the community for these  
19 individuals and if they don't want to move out, you know,  
20 how does that affect the outplacement and here.

21 MR. ALLEN: Right.

22 MR. QUIGLEY: I think that would have to be  
23 handled on an individual basis or we break this stuff up  
24 into more items, make it -- you know, is outplacement a  
25 single line item, is increased wages a single line item, is

1 increased supervision and responsibilities a line item. I  
2 think that, you know, going to your point, that would give  
3 more detail rather than lumping all of those together.

4 MR. ALLEN: I just see some real potential  
5 conflict, unintended conflict. I applaud the committee  
6 coming up with measurements, it's complicated, especially  
7 for someone who's not steeped into that -- in that world, so  
8 I applaud the efforts, but it does -- it creates the  
9 opportunity to have contrary objectives depending on whose  
10 perspective you're looking from.

11 MR. QUIGLEY: Right.

12 MR. ALLEN: And what I would hate to do is  
13 put the 115 or so CRPs that participate in the program in a  
14 position where they either satisfy their boards of directors  
15 or they satisfy TWC and the choice is well, we will exclude  
16 ourselves from TWC because the board has control over the  
17 organization, so.

18 MS. ZAVALLA: Surely there would be an appeal  
19 process or them coming to us or the Workforce Commission and  
20 explaining how that is really putting them in a -- in a  
21 rough place.

22 MR. SERNA: So one of the things from TWC's  
23 perspective, we recognize that throughout the program there  
24 are conflict -- potential conflicts in program requirements  
25 versus business objectives. This is the only -- you -- the

1 CRPs participating in this program are the only employers  
2 that could have a goal of moving employees out, you know,  
3 training them and getting them -- getting them ready and  
4 moving them to other employment and bringing -- bringing  
5 others on. That may not be a goal but we're using that as  
6 an example. And there are other things as well.

7 Our intent initially, the way we had intended  
8 to use it and the way we intend to use these measures, is to  
9 look at the effectiveness of the program from the  
10 requirements of both state and federal requirements for our  
11 program, and then as Mr. Quigley pointed out, fine tune  
12 where we need to fine tune and -- and if we find that we are  
13 in conflict, then we would hope to be able to -- to have a  
14 conversation with a board of directors or whoever and -- and  
15 explain the position that we're in and understand the  
16 position that the board's in and maybe -- maybe come to some  
17 agreement on how we would be able to achieve that or how  
18 there's always an exception.

19 I'll give you a practical example, though  
20 it's not a measure, and I'll -- I'm sorry to -- maybe the  
21 committee can indulge me, but one of the requirements of the  
22 program is for 75 percent of the individuals working on a  
23 contract be individuals with disabilities. There are CRPs  
24 that struggle meeting that 75 percent because of their  
25 customer base, not because of their capabilities but because

1 of their customer base. And these are primarily in the  
2 temporary services area. Goodwill, Heart of Texas Goodwill  
3 struggles a lot with it because their primary clients give  
4 them challenges that -- that -- that basically have them  
5 struggling with finding individuals with disabilities to  
6 fill those positions. So that puts them serving a customer  
7 at conflict with adhering to the requirements in the  
8 program, 75 percent. And most of them they can mostly  
9 achieve 60 percent. So about once a quarter I'm meeting  
10 with them on the phone to have them explain to me why they  
11 were unable to achieve that percent.

12 So a step that we intend to take is reach  
13 out, work with them, because they want to -- they want to  
14 participate and they want to adhere to the requirements of  
15 the program. But reach out to their customer base and see  
16 if we can affect some of the challenge that they're getting  
17 from their customer base.

18 We have a couple of customers at the state  
19 agency in particular that give them challenges, so we're  
20 going to see if we can reach out to those customers and  
21 maybe help resolve that problem. We may not be able -- we  
22 may not be successful, but it -- then we will know what it  
23 is and we'll understand that they're going to always have  
24 that challenge.

25 The same thing is going to be true with a lot

1 of these measures. But the intent is that -- that we would  
2 use this to -- as Mr. Quigley pointed out, to determine the  
3 effectiveness of the program, be able to report to our  
4 Commission and anybody else in the public that wants to see  
5 how the program is doing based on the requirements of the  
6 program as a whole. And hopefully be able to work with  
7 boards or CRPs to reconcile when there is a conflict or  
8 difference.

9                   We have that, by the way, internally. Our  
10 program requires 75 percent or greater employment by an  
11 individual with disabilities. WIOA has no requirements for  
12 a percentage of employees with disabilities, but rather, is  
13 -- emphasizes integrated competitive employment. And our  
14 counselors not -- not this staff, but our counselors are in  
15 conflict as well that we're going to need to reconcile, so  
16 it's -- we recognize that from firsthand experience, as well  
17 as you all do on how we're going to be able to address that.  
18 So that -- that long -- that long explanation to say our  
19 intent is to simply use these to judge how the program is  
20 doing, be able to report to the Commission, the public and  
21 the Legislature, how the program is doing, on some objective  
22 measures.

23                   And if you'll notice, one of the things that  
24 the Committee did is we -- previous measures had to do with  
25 sales and we really kept sales out of things to emphasize

1 that it's not a -- a -- an -- a purchasing program, but a  
2 program to support individuals and when we do have sales, it  
3 has to do with the CRP assisting -- the Central Nonprofit  
4 assisting the CRPs to -- to help generate revenue.

5 MS. HERBEIN: Certainly the federal program  
6 requires very, you know, this. And it is a conflict a lot  
7 of times for organizations, both at the 75 percent as well  
8 as an integration level, as well as a wage level. But the  
9 federal Ability One certainly goes out and really highly  
10 monitors as you know some of the -- some of the  
11 expectations.

12 Just one quick question. Has there -- when  
13 is the last time that there's been any type of performance  
14 report for the purchasing program?

15 MR. SERNA: There's never been one.

16 MS. HERBEIN: Never been one? Is there --

17 MR. SERNA: That's what we intend to do.

18 MS. HERBEIN: Okay.

19 MR. SERNA: Once we get -- once we get  
20 measures and once staff has reviewed, so annually, we will  
21 present -- we, the staff, will present to the Commission  
22 here's what we -- here's sort of the health of the program  
23 based on our reviews, based on the activities that we're  
24 measuring, and then based on some of the requirements that  
25 are in the contract.



1 MS. HERBEIN: Okay. So there hasn't been one  
2 previously, even though there hasn't been these measures.

3 MR. SERNA: They're -- they've -- there have  
4 been an annual report of the program.

5 MS. HERBEIN: Uh-huh.

6 MR. SERNA: A public report that reports on -  
7 - and we have effected that, we -- TWC have effected that  
8 recently in the past two reports, but they're reports on the  
9 number of individuals participating in the program, wages  
10 paid, subminimum wage, CRPs, wages paid, contracts held,  
11 which are -- which is required in the statute by the way,  
12 and I think it's required in the annual report in statute is  
13 a list of all the CRPs, their location and the contracts  
14 that they hold. So we stick that in -- in the -- in the  
15 back of the report. In the front of the report, we actually  
16 try to have useful information like the number of  
17 individuals and the services that are being provided by  
18 those individuals and in the future provided to those  
19 individuals, and wages and things and comparing those wages  
20 to the individuals that don't have disabilities that are  
21 employed in the program. So -- I can get a copy of the most  
22 recent report to the committee members.

23 MS. HERBEIN: That would be helpful. Thank  
24 you.

25 MR. GRAHAM: Mr. Chairman?

1 MR. QUIGLEY: Yes.

2 MR. GRAHAM: May I chime in here? Being a  
3 newbie, I -- performance measures and managing -- or  
4 performance expectations is one of my favorite things in  
5 life. And so with that, I'm going to preface this next  
6 comment with I hate to be the one to suggest kicking the can  
7 down the road, but in the absence of a purpose of -- for our  
8 existence, I'm having trouble getting my head around what  
9 the performance measures could be, should be, toward the  
10 accomplishment of that purpose. And so, that's -- sorry. I  
11 think we need a stated purpose that we've all agreed to and  
12 -- and then we set the performance measures and go for it.

13 MR. SERNA: Is that a -- I'm sorry, a  
14 clarification. From the staff perspective, is that a stated  
15 purpose for the Committee or for the program or?

16 MR. GRAHAM: I'm going back to the tabled  
17 agenda item.

18 MR. SERNA: Okay. Right. That's what I was  
19 thinking.

20 MR. GRAHAM: That's what I meant by kicking  
21 the can down the road.

22 MR. ALLEN: And Mr. Chairman, I'm not  
23 comfortable taking the action on these measures today.

24 MR. QUIGLEY: Would you like to make a  
25 motion?

1 MR. ALLEN: Sure. I move that we table these  
2 -- any action on these metrics until it's determined what  
3 sort of subcommittee we can form to more fully evaluate them  
4 in light of the change, turnover on the committee.

5 MR. QUIGLEY: Can I get a second?

6 MS. ZAVALLA: Second.

7 MR. QUIGLEY: Those in favor?

8 (Chorus of "ayes")

9 MR. QUIGLEY: Opposed? Motion carried.

10 MS. WILLIS: May I make a request, please?

11 MR. QUIGLEY: Certainly.

12 MS. WILLIS: Is it possible to provide a  
13 reference to the federal regulations and in addition to the  
14 state statutes that govern the program?

15 MR. SERNA: Only the state statutes govern --  
16 we only have purview over the state aspect of the program  
17 only to -- I'll get you a -- I'll get you reference to the  
18 federal program.

19 MS. WILLIS: Okay.

20 MR. SERNA: But this -- this particular  
21 program, TWC's role, is only with regard to the state  
22 aspects of the program.

23 MS. WILLIS: State. Okay.

24 MR. SERNA: So anything that's on the federal  
25 side would be useful to the committee, to the agency, but is

1 not anything we have a purview over. So as an example, this  
2 is just an example, the federal requirements for individuals  
3 with disabilities participating in the program may -- may be  
4 at different goal than what the state has and we will only  
5 have purview for the state, so if a CRP were violating --  
6 not violating, but not meeting federal requirements, it  
7 would not preclude them from participating in this program  
8 as long as they met the state requirements.

9 MS. WILLIS: State requirements.

10 MR. SERNA: We only have purview over that.

11 MS. WILLIS: Okay.

12 MR. QUIGLEY: Also, if I can tag on that is  
13 that you've heard a lot of discussion about WIOA.

14 MS. WILLIS: Yes.

15 MR. QUIGLEY: And the -- that affects a lot  
16 of the VR monies and what have you that go to different work  
17 centers and that sort of thing. They've come out with the  
18 rules of integrated versus non-integrated work environments  
19 and those sorts of things.

20 MS. WILLIS: Uh-huh.

21 MR. QUIGLEY: But the VR folks have to follow  
22 when they're placing individuals with disabilities in CRPs.

23 MS. WILLIS: Uh-huh.

24 MR. QUIGLEY: And so, that's something that -  
25 - can I ask the staff to provide her that as well?

1 MR. SERNA: Absolutely.

2 MR. QUIGLEY: Because it's -- it's that -- at  
3 times we conflict with that in trying to produce the -- the  
4 -- the services or the products.

5 MS. WILLIS: Uh-huh.

6 MR. QUIGLEY: We -- we conflict with the  
7 WIOA.

8 MS. WILLIS: Okay.

9 MR. SERNA: Not knowing when the next  
10 committee meeting, though it's an agenda item, will be set,  
11 I'd like to suggest that we can have someone from our  
12 Vocational Rehabilitation division come and present and  
13 provide that of the --

14 MR. QUIGLEY: Great.

15 MS. WILLIS: Yeah.

16 MR. SERNA: -- of the program and of the  
17 impacts of WIOA and the changes that that's having on the  
18 program and their particular operation. When I say the  
19 program, their operation.

20 MR. QUIGLEY: Right.

21 MR. SERNA: And by inference, the impact on  
22 this program.

23 MS. WILLIS: And please remind me what WIOA  
24 actually stands for?

25 MR. SERNA: It's the Workforce Innovations

1 and Opportunities Act. It is basically the Department of  
2 Labor's --

3 MS. WILLIS: Thank you.

4 MS. PACHA: And it also reauthorized the  
5 Rehabilitation Act.

6 MR. SERNA: Right.

7 MS. PACHA: Just significant component to  
8 that.

9 MR. SERNA: This is -- just as a point of  
10 reference, Texas is one of the few states, probably the only  
11 state, that has all aspects of WIOA -- is responsible for  
12 all aspects of adult education, employment services,  
13 unemployment, and vocation rehabilitation all integrated in  
14 a single agency.

15 AGENDA ITEM NO. 5

16 MR. QUIGLEY: Okay. The next item is  
17 discussion regarding employment of choice within the program  
18 CRPs. This is actually my -- my agenda item, so I will -- I  
19 will get started with it.

20 During the previous discussions and what have  
21 you of the previous committee, we had long discussions in  
22 regards to outplacements and individuals being placed out in  
23 the community and again, that went back to the goal of four  
24 percent and what have you. Within, you know, a part of our  
25 mission statement is to provide meaningful employment for

1 individuals with disabilities in an environment where they  
2 can achieve their maximum independence. We -- since the  
3 previous committee meetings and what have you, we went ahead  
4 and held meetings with our employees, their family members,  
5 caregivers, what have you, and actually had a survey of the  
6 61 individuals that have been employed in our work center  
7 for more than 10 years. We -- we chose that 10-year time  
8 period to -- to actually go through and see why it was that  
9 these individuals have not taken advantage of outplacements  
10 in the community, why they have, you know, when  
11 opportunities have been provided, they haven't taken  
12 advantage of career counseling and other things like that.

13           The majority of the individuals came back  
14 very, very positively in that they -- they liked where they  
15 worked, they liked the wage that they were making, which was  
16 more than they could make out in the community, and you  
17 know, that they didn't want to move on. And I don't know  
18 how within the program, and that's really what I want to  
19 discuss within the program, if -- if -- as a CRP we want to  
20 be the employer of choice, we want to be where that person,  
21 that individual, comes to work, goes to work, and they feel  
22 proud about the job that they have.

23           Even the individuals that may identify that  
24 they work for TXDOT or they may identify that they work for  
25 the City of Houston or they work for whomever it is the

1 agency that they go to work for every day, that's part of,  
2 you know, again, if they've been with us 10 years or longer,  
3 they've -- they've worked their way up, they've got their  
4 vacation time, they have their opportunity for insurances  
5 and what have you, if you are a part-time janitorial worker  
6 and you're going to work for ABM or one of those folks,  
7 you're not going to get an opportunity for an insurance  
8 plan, you're not going to get a paid vacation, you're not  
9 going to get those other benefits.

10           And so I -- the -- my -- my big thing is that  
11 we just want to be sure that individuals through the rules  
12 that we make or the guidelines that -- that we send to --  
13 advice that we give the Texas Workforce Commission, that we  
14 don't exclude those individuals that are extremely  
15 comfortable and then long-term employees, that we're not in  
16 any way setting it up to where there's -- a rule that says  
17 that everybody must be out in a certain amount of time or  
18 that everybody, you know, can only stay for "X" amount of  
19 time before they -- they have to go out. Because again, I  
20 know for the lighthouses and for our -- for our CRP, is  
21 that, you know, our job and our setup is that we want to  
22 give them the -- the best work environment that we possibly  
23 can at the highest wage that they can -- that they can earn  
24 and provide those other services that the other employer may  
25 not always do.



1                   And so again, I just want to -- to stress  
2 that, you know, being the employer -- employment of their  
3 choice, ensuring that they have the opportunities, but also  
4 making sure that if they choose to stay in a CRP, that that  
5 not be held against the CRP. And that -- that was the whole  
6 reason that I wanted to have that item in there.

7                   MS. ZAVALLA: You know, in -- in forcing them  
8 out because of what's laid down and needs to happen, there's  
9 a new book out on the Kennedy family, and I was very  
10 surprised that Jacqueline Kennedy had post traumatic stress  
11 syndrome because of watching her husband die. We don't know  
12 what we're going to do to these individuals that are very  
13 happy when we make them go. We could do so much damage.

14                  MR. QUIGLEY: Absolutely.

15                  MS. PACHA: I'd like to make a comment.

16                  MR. QUIGLEY: Yes.

17                  MS. PACHA: So I listened to what you said  
18 and my only concern is, is in thinking about program of  
19 choice, that it's truly an informed choice and it's not --  
20 you know, a lot of individuals that choose to stay in -- in  
21 a workplace setting, choose to stay there because that is  
22 their comfort zone, but maybe they don't have the  
23 opportunity or have never had the opportunity to sample or  
24 try or do, you know, have those other -- have those other  
25 opportunities to know if they would truly be happy or if it

1 would be of a benefit to them to -- to live there or if  
2 those potentials for growth existed within those other  
3 organizations. I understand what you're saying in terms of,  
4 you know, employees who have established, you know, I've got  
5 healthcare and I've got -- you know, I've got vacation time  
6 and I've got sick leave and I'm comfortable working a part-  
7 time job. But there's also this faction of people who --  
8 and -- and most particularly those who are being employed  
9 under sub-minimum wage certificates who I do not believe  
10 have been afforded an opportunity to employment outside of  
11 that CRP that's nesting them.

12 MR. QUIGLEY: Right.

13 MS. PACHA: So I don't know what the  
14 committee has discussed in terms of making sure that this is  
15 truly an informed choice and it's not just something that is  
16 being -- I mean, it sounds like you run a great -- it sounds  
17 like you run a great company. But, there are other folks  
18 that, you know, they've -- they just want the sheltered  
19 workshop concept and have not necessarily had the  
20 opportunity to see what, you know, see what else is out  
21 there.

22 MR. QUIGLEY: Well, and again, I think that  
23 was part of why the -- the career counseling was put in  
24 there, to ensure that even if they want to stay, that they  
25 receive those -- that career counselling and -- and provided

1 with those opportunities that's out there.

2 MS. PACHA: But that's not an impartiality,  
3 right? I mean, because the CRP is the one who's providing  
4 the career counseling.

5 MR. QUIGLEY: Well, that's true.

6 MS. PACHA: So, I mean, I look at it from the  
7 perspective of on a different CRP side in -- in the VR  
8 realm, one of the services that -- that we provide is we do  
9 a lot with project search, so I'm -- I don't want to get in  
10 the -- in the depths of project search, but when it comes to  
11 hiring those individuals once they have graduated from high  
12 school --

13 MR. QUIGLEY: Uh-huh.

14 MS. PACHA: -- the CRP is not allowed to hire  
15 the individual under -- once they've, you know, we're  
16 responsible for placement, but we're not allowed to hire the  
17 individual. And but, you know, the school district  
18 participant could hire the individual, VR could hire the  
19 individual, the other partners, the -- the host site could  
20 hire the individual, but the CRP that's responsible for  
21 placement can't. So I'm almost wondering if that's not a  
22 conflict if the CRP is the one who is providing the career  
23 counselling if there's not some other --

24 MR. QUIGLEY: Well, again, and I don't know -  
25 - I can't speak for any other work center, but I know within

1 -- within ours, we have the job coaches, we have the others  
2 for the outplacements, we have the -- the locations, we have  
3 some enclave locations that we work with and what have you.  
4 But we don't do -- we don't work for the VR. We do all this  
5 strictly off the funds that come in from the service  
6 contracts. But the -- one of the things that we found over  
7 the years and that -- that is the -- there have been  
8 individuals that we have been able to outplace, but then it  
9 wasn't successful and they were able to return back to -- to  
10 work for us.

11 MS. PACHA: Right.

12 MR. QUIGLEY: It doesn't mean that that's the  
13 last time that they'll be outplaced, it's just that that --  
14 that's that safety net for them when they go out and then  
15 they come back. And --

16 MS. ZAVALLA: And I --

17 MR. QUIGLEY: Go ahead.

18 MS. ZAVALLA: I'm sorry. I was very  
19 impressed when we took the tour through the lighthouse in  
20 San Antonio. The thing that kept snatching my brain that  
21 whole day was so many of these disabled people, this is  
22 their family.

23 MR. QUIGLEY: Uh-huh.

24 MS. ZAVALLA: And when you snatch them out of  
25 that family, yeah, they probably could -- that one over

1 there, my daughter, she could do just about anything. But  
2 you know, she chooses to volunteer at the animal shelter and  
3 we shouldn't force her to go somewhere and get a job because  
4 that's indeed what she likes.

5 And there's just a family situation when you  
6 have somebody with disabilities. And I just don't want us  
7 to take away their family.

8 MS. PACHA: And all I'm saying is that there  
9 needs to be an informed choice, that that's the -- that I'm  
10 -- I am definitely, that is one of my -- one of my biggest  
11 concerns is, is that people have the ability to choose, it  
12 is their choice.

13 MS. ZAVALLA: Choose. That's correct.

14 MS. PACHA: And -- and whether that choice is  
15 staying in that CRP and in that -- in that environment and  
16 at that place, that's fine. But people who haven't had an  
17 opportunity to explore or haven't had an opportunity, that  
18 that's the only point of reference that they have saying  
19 that this is their choice because they want to be here.  
20 Some people you can ask them, do you like your job; yes. Do  
21 you like what you're doing here; yes. Do you like your --  
22 your pay; yes. Do you like these things; yes. But they  
23 don't know -- they don't know what those other opportunities  
24 looked like.

25 So I'm not in any way suggesting that we

1 should go in and snatch up people that are comfortable in  
2 their -- in their work environment, but I am saying that  
3 people not only do they need a choice, but it really needs  
4 to be -- this Committee needs to look at what -- how are we  
5 going to define informed choice. And if you guys have  
6 already looked at that, then I just need to do some more  
7 reading on what you've done.

8 MS. ZAVALLA: The other thing, too, is yeah,  
9 I'm agreeing, it's good to have a choice. That's why we  
10 live in America so that we can have a choice. But I don't  
11 want these disabled people to be shamed by any place they  
12 are because you chose not to leave. So that's all I'm  
13 saying. I agree the choice, but it's not a -- it's not a  
14 pattern that will fit all.

15 MS. HERBEIN: Well, you know, nationally  
16 there's a whole lot of talk about employment first. And I  
17 think that people somehow have interpreted that, that it's  
18 employment only. And it's like no, it really is employment  
19 first.

20 MS. ZAVALLA: Yes.

21 MS. HERBEIN: So that we should first be  
22 offering community -- competitive employment to people and  
23 if that is not what they choose, then there's no --

24 MS. ZAVALLA: Exactly.

25 MS. HERBEIN: -- penalty there, it's just

1 that it needs to be offered first.

2 MS. ZAVALLA: Yes. Most definitely.

3 MR. QUIGLEY: Anyone else?

4 MR. GRAHAM: I'm inclined to chime in.

5 MR. QUIGLEY: Please do.

6 MR. GRAHAM: As a bit of a dissenting  
7 workshop voice.

8 MR. QUIGLEY: Okay.

9 MR. GRAHAM: Many years ago I built a very  
10 large sheltered workshop in the state of Oregon and with  
11 about 500 employees and blah, blah, blah, very successful,  
12 financially successful and blah, blah, blah, but there was -  
13 - and those were the days when supported employment was a  
14 new, great brand new idea. And -- and I started a new  
15 business concept in part out of disgust.

16 Disgust for what I had been witnessing in our  
17 own organization and in -- in all of the sheltered workshops  
18 in the state of Oregon. And that was no movement of the  
19 people, of the -- the employees that were working in the  
20 workshops.

21 MR. QUIGLEY: Uh-huh.

22 MR. GRAHAM: And the -- the business concept  
23 that I started was temporary employment services in the  
24 state of Oregon. And the -- what we found with that was the  
25 temporary employment model provided an opportunity for

1 people to sample different kinds of work in the world.  
2 Since then obviously, I've moved to Texas, I started Peak  
3 Performers with the same concept/disgust is too strong of a  
4 word, my apologies, but I believe there is -- I -- I believe  
5 there's more opportunity to be had. I think we can do a  
6 better job as -- as the employers who specialize in working  
7 with people with disabilities. We have that expertise and  
8 we also have as a consequence, we have expertise in  
9 developing positive business relationships.

10           And -- and I believe that all the work -- all  
11 workshops, whether they're integrated or not integrated, I  
12 believe all workshops have the opportunity and the challenge  
13 really, to use both sets -- both skillsets of their  
14 management group, all the way through the organization, to  
15 develop more and better opportunities and more opportunities  
16 for choice, for employment choice. So what kind of a job do  
17 you -- do you think you might like? Well, you know, I just  
18 raised three children and they have no clue what they wanted  
19 to do after college. And they're still struggling in part  
20 trying to figure out what it is they want to do in life.  
21 And they won't know until they do it.

22           And so, that's my pitch and my challenge to  
23 my workshop friends here and -- and that is, I think we can  
24 get movement of our employee populations through some kind  
25 of a continuum of services within our communities that gets



1 people moving where they want to move, with the kinds of  
2 work that they want to do and then maybe find out that they  
3 don't like that work anymore, but that's okay, too.

4 So -- end of speech. Sorry.

5 MS. ZAVALLA: Bravo.

6 MS. HERBEIN: One of the things that I have  
7 clearly noticed since coming to Texas a couple years ago is  
8 that there's a serious kind of flaw in the supported  
9 employment model here. And so I think it really limits  
10 people to be able to really go out on their own. And that  
11 is that, you know, and when you said well, people will go  
12 out and then they'll come back.

13 MR. QUIGLEY: Uh-huh.

14 MS. HERBEIN: The reality is, is that there  
15 is no really ongoing supported employment follow along  
16 dollars for people here, other than the waiver.

17 MR. QUIGLEY: Right.

18 MS. HERBEIN: That -- I think we're the only  
19 state that -- that doesn't have that. And so it is very  
20 concerning to parents and to other folks of saying -- you  
21 know, going, okay, well, I'll let them try it. Well, that's  
22 a lot easier to say if I'm going to try it, but I'm going to  
23 continue to receive support beyond VR or beyond that. It  
24 doesn't exist here and I think until we address that issue,  
25 we're always going to be coming back around to it feels so

1 much safer to stay within walls.

2 MR. QUIGLEY: Right.

3 MS. HERBEIN: Medicaid waiver is the only  
4 funding source there really is for follow along and yet,  
5 what, three percent of people -- only three percent of  
6 people on the waiver even have employment as part of a plan.  
7 So unless we figure that out, I think we're going to be  
8 having these same conversations forever and ever.

9 MR. QUIGLEY: And we've -- we've actually had  
10 individuals that, because their earnings got too high --

11 MS. HERBEIN: Uh-huh.

12 MR. QUIGLEY: -- they were no longer eligible  
13 for all the Medicaid employment dollars that were going  
14 towards that individual. And so that's an issue as well.

15 MS. HERBEIN: Well, that is definitely an  
16 issue, too, but there's a whole lot of myths here around  
17 benefits and --

18 MS. ZAVALLA: Yes, there is.

19 MS. HERBEIN: -- planning and lack of support  
20 I think to families around --

21 MS. ZAVALLA: Indeed.

22 MS. HERBEIN: -- understanding all of that.

23 MR. QUIGLEY: Yes?

24 MS. PACHA: I had a question. Michelle  
25 brought up the Employment First initiative in Texas and my

1 question, there is an advisory committee already established  
2 in Texas that -- nope? Did it go away?

3 MS. HERBEIN: Yeah, they got rid of it.

4 MS. PACHA: Okay. Never mind. There was an  
5 advisory committee for Employment First and I wanted to know  
6 if there was any integration between this committee and that  
7 committee, but missed that memo, so never mind.

8 MR. QUIGLEY: You wanted --

9 MR. ALLEN: Thank you. I just wanted to echo  
10 some of your comments and just provide a little more color  
11 to this committee on our organization, the Lighthouse for  
12 the Blind in Fort Worth and the efforts that we've taken to  
13 create competitive employment opportunities out -- that  
14 would -- that would generate outside placement.

15 The first example I'll bring to your  
16 attention is three, four years ago, we bought a machine  
17 shop; a machine shop that turns metal into parts. We spent  
18 \$2.2-million on that effort and prov -- taught four  
19 individuals who are blind to operate C&C mills, lathes,  
20 saws, deburring equipment, any -- any man -- anything that  
21 was necessary short of welding, metal welding, short of  
22 welding in that machine shop. Three years afterwards, we  
23 decided that we were going to sell off the machine shop, it  
24 wasn't generating the revenue we needed to support it, but  
25 we certainly were proud of the fact that we had four

1 individuals that learned how to operate those machines.

2           We had at least three other machine shops  
3 that came and purchased our equipment that interviewed our  
4 employees and offered them positions to come and work in  
5 their machine environments. All four of those employees  
6 declined those offers. Not because they weren't good  
7 offers, not because they weren't competitive wages to what  
8 they were -- they were currently receiving, but because it  
9 was not the job they wanted.

10           Second example I'll give you is that we have  
11 opened up an optical lab. I've got folks who are blind  
12 making glasses for people who can see. It's fantastic irony  
13 in my mind and I love that. All right. It's -- we're not  
14 the only ones in the country that do it, but we're the  
15 second ones in the country that are doing it. And here  
16 again, the objective is that we can take an individual who  
17 is -- and put them into a non-traditionally disabled  
18 position of a finishing lab employee, turning discs of  
19 polycarbonate plastic into corrective lenses, installing  
20 those into a frame and having a person who can see, see  
21 better because of those efforts; with the option that any of  
22 those individuals could then go work in any other optical  
23 lab that was available to them from a transportation and --  
24 and ability standpoint.

25           Here again, we have had no one that has gone

1 through that training decide that they want to leave our  
2 employment and go work somewhere else. They are happy to  
3 have an occasional job where they would work in the -- in  
4 the optical lab and rotate into any one of our other  
5 production -- production lines.

6           The third one I'll bring to your attention is  
7 we are in the process today of installing what are called  
8 sonic welders. They -- they put pieces of plastic together.  
9 And as I talked to our employees about that opportunity, you  
10 know, what it's going to look like and what it's going to  
11 sound like, and what it's going to mean to them from a -- an  
12 employment cont -- continuing education, continuing  
13 employment opportunity, they -- the excitement and buzz  
14 around our shop is really pretty high right now.

15           We've brought in the optical lab, we bring --  
16 we're bringing in the sonic welding lab, we are providing  
17 inside our walls this -- the -- the varied opportunity that  
18 you could see if you were to go out and survey in a  
19 temporary employment perspective other -- other employers  
20 within the city of Fort Worth.

21           And maybe we are unique in the CRP world for  
22 the diversity of our product lines, but that's very  
23 intentional. We want to be diversified so that I don't ever  
24 have to tell an employee that we don't have work for them  
25 today. So every employee in our shop is cross trained on

1 every single -- on -- on at least two production lines so  
2 that I never have to tell them I don't have work for you  
3 today, I'm sorry, you need to stay home, because that --  
4 that conversation is the conversation that hurts my heart.

5 Now, maybe because we are -- we are unique in  
6 the diversity of our products and the diversity of our  
7 production lines, we don't -- we don't see the anxiety that  
8 an employee might -- might exhibit elsewhere, because they  
9 are dissatisfied in their job.

10 Yesterday we celebrated the 34th anniversary  
11 of one of our employees. Last month I celebrated a 42nd  
12 anniversary. The tenure in our -- in our organization is  
13 very long. We're proud of that tenure. I don't -- I don't  
14 want to see by any sort of rule or edict that that -- that  
15 pride that they have that they work for us, and the pride  
16 that I have that they continue to work for us, be  
17 jeopardized by -- by whatever action this committee might  
18 take.

19 MR. QUIGLEY: Thank you.

20 MR. ALLEN: Thank you.

21 MR. QUIGLEY: You never have to tell them no  
22 work today, huh?

23 MR. ALLEN: I try not to.

24 MR. QUIGLEY: Yeah.

25 MR. ALLEN: Only if they -- they stop buying.

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AGENDA ITEM NO. 6

MR. QUIGLEY: Opening it up for public comment. Jean?

MS. LANGENDORF: Hi. I'm Jean Langendorf. I am with Disability Rights Texas and I previously served on the Committee, so bless you all.

And in that role, the performance measures were -- there have been ongoing challenge of the Committee and did spend a whole lot of time. And yes, the frustration that there's no baseline is -- is obviously frustrating and I hope you can get one at one -- one point. It's sort of chicken or the egg. Should we do this and start from nothing and then get the baseline or at what point do you do that? And I think we went back and forth with TWC's -- I'm not sure we ever got that group to come in to do --

MR. SERNA: No, we could never get them to come in --

MS. LANGENDORF: We could never get them to come in and so this sort of languished because it wasn't -- wasn't what the Commissioners were used to looking at or -- or so -- so I mean, I think it's something that needs to be accomplished. But on the one that was presented, it was similar discussions in the past. But I do want -- on the first one listed, I -- it seems like everybody was overlooking the "or" on this sentence; or received increased

1 wages, responsibilities or supervisory duties within the  
2 program.

3           There was a lot of discussion about people  
4 that are in their current to stay where they are or they  
5 want to stay where they are. All we were trying to see is  
6 that there would be some goals that people would advance.  
7 Because I think the challenge here, not that I agree with  
8 there should be two CRPs in the state and until that is  
9 addressed, I think we're all going to continue to be  
10 confused. So if there's a CRP in the VR world and then  
11 there's a CRP state use world. But if there's going to be a  
12 change and there's not going to be this goal that people  
13 actually receive rehabilitation, then take out the word  
14 rehabilitation.

15           I mean, that's -- that's the reality here.  
16 If we're not in -- in the world of rehab, you're -- you're  
17 moving people into integrated to gain employment. And so I  
18 think -- I think there's -- there could be that  
19 clarification.

20           On the state use program as I understand it  
21 or have grown to understand it, is -- do -- two-fold, in  
22 that it's providing products in many instances or temporary  
23 employment for individuals with disabilities, at least 75  
24 percent. It -- so it's creating products as well as  
25 creating employment. And sometimes those don't necessarily



1 fit within the VR world as I know a VR counselor cannot  
2 place somebody -- a VR -- not a VR counselor -- well, I  
3 guess that's true, too, but a CRP -- a CRP in the VR world  
4 cannot place somebody in a state use program, even the  
5 temporary services, which I think is horrible, because they  
6 so many times move into employment, so there's overarching  
7 things that those of us that are in the field know somehow  
8 need to be addressed. And now that they're all under TWC,  
9 we were hoping that some of these conflicts could be  
10 addressed.

11           And then WIOA comes in and those of us who  
12 are in that world, know that that impacts the concept of  
13 integrated employment or people being placed in the  
14 community, to say nothing of the HCBS, Home and Community  
15 Based Services, settings rules where people have day-hab  
16 here and sheltered workshop here, they shouldn't -- they get  
17 paid as we all know, we all -- that go to some of the  
18 sheltered workshops, especially the subminimum wage, they're  
19 collecting money for the work that the people do, as well as  
20 they're being paid as a day-hab.

21           So there are some conflicting things set.  
22 Bless you all for -- for undertaking this, but there's a lot  
23 of things there. So we have conflict -- you have competing  
24 interests as it's very clear from the representation. So,  
25 TWC, fix it, would ya?

1 (Laughter)

2 MR. SERNA: We -- I think not being -- not  
3 being part of the development of the enabling legislation or  
4 the legislation that transferred it, but in looking at it,  
5 it was my understanding that that probably is -- that  
6 conflict, that sort of opposing views is the intent of the  
7 construction of the advisory committee and the feedback that  
8 it provides to TWC. So we -- we appreciate it very much and  
9 we know that in a professional manner we've had very good  
10 discussions in the meetings that I thought went very well.

11 Second, just to clarify, VR counselors can't  
12 either.

13 MS. LANGENDORF: They cannot. Okay. I  
14 wasn't sure of that.

15 MR. SERNA: Which we are now, but as we get  
16 further into the WIOA regulations and we look into those and  
17 interpret those and get those interpreted four or five  
18 attorneys, we're finding that we can't either. So that's a  
19 conflict that I was mentioning earlier, that -- that TWC  
20 itself is placed in.

21 We have a program to acquire 75 percent  
22 employment or greater by the way, and our Commission has  
23 clearly said in the revised rules it will be 75 percent or  
24 greater. They can make -- they could make the employment  
25 requirement greater. And on the vocational rehabilitation

1 side, which is still under our Commission, says you can't  
2 refer anybody to an inte -- a workshop that's not integrated  
3 and competitive, which would mean that it shouldn't be  
4 greater but lesser. So we're going to try to -- we're  
5 trying to work through that and reconcile through that and -  
6 - and, Mr. Chairman, that's why I said we'll get somebody  
7 from VR to kind of come and talk to you, because they're --  
8 they're a little closer to this as a practice that they're  
9 having to grapple with right now.

10 MR. QUIGLEY: Well, and, you know, there's  
11 also the -- the actual work settings that are integrated,  
12 because they're employed by a CRP that is technically not,  
13 because we have the 75 percent rule. Even though they're  
14 employment may be in a public building, you know, where  
15 they're interacting with the public all day long, that  
16 setting is not. I mean, it is not -- it is integrated and -  
17 - but you know, again, we don't -- we don't take VR funds,  
18 but if we were, then they couldn't place anyone with us in  
19 order to -- to fulfill that job. And so --

20 MS. HERBEIN: Texas VR couldn't, but other --  
21 I mean, in other states --

22 MR. SERNA: Right.

23 MS. HERBEIN: -- that is allowed that even if  
24 the employer of record is a CRP, as long as it's integrated  
25 and above minimum wage, then it can be a placement for --

1 you know, because you -- yes, you might be part of a small  
2 group, but if you're --

3 MR. SERNA: Right.

4 MS. HERBEIN: -- in the middle of a great big  
5 other group, it's still considered integrated. And it's not  
6 here, which is interesting.

7 MR. SERNA: Hmm.

8 AGENDA ITEM NO. 7

9 MR. QUIGLEY: All right. Next action item is  
10 trying to schedule the next meeting. We looking at two  
11 months, a month?

12 MR. SERNA: Whatever the committee prefers,  
13 you can make it a month --

14 MR. QUIGLEY: Anyone want to make a motion on  
15 when -- how long until the next meeting?

16 MS. LOGAN: I move that two months.

17 MR. QUIGLEY: Two months? Can I get a  
18 second?

19 MS. ZAVALLA: Second.

20 MR. QUIGLEY: All those in favor?

21 (Chorus of "ayes")

22 MR. GRAHAM: Hang on.

23 MR. QUIGLEY: Well, I don't know the --

24 MR. GRAHAM: I don't think we've gotten --

25 MR. QUIGLEY: -- exact date. Let's -- we're

1 just -- we're just trying to find out whether it's one month  
2 or two months at this point and then we'll narrow it down to  
3 a date.

4 MR. GRAHAM: Well, when I suggested kicking  
5 the can down the road, I didn't mean too long.

6 MR. QUIGLEY: Right. Sometime in April?

7 MS. ZAVALLA: Looks good.

8 MR. QUIGLEY: Sometime in April? I'll make a  
9 motion for that. Can I get a second?

10 UNIDENTIFIED VOICE: Second.

11 MR. QUIGLEY: Those in -- those in favor?

12 (Chorus of "ayes")

13 MR. QUIGLEY: Those opposed? Hearing no  
14 opposed, I will say that that was a motion.

15 Now, we narrow it down to a day.

16 MR. ALLEN: Kelvin, you guys have a tool that  
17 you guys use to try and coordinate schedules across 15  
18 people or?

19 MR. SERNA: Inside the agency we do. Outside  
20 we don't because the tool is Kelvin sends a message out with  
21 some dates and people respond back to him and he finds a  
22 date that most people can and kind of puts that date out  
23 there. Which is pretty much the same as this, except it's  
24 literally more time for people to look at the calendar and  
25 all that, but it's the same process we're going through now.

1                   So we can -- we can certainly do that later  
2 today or tomorrow or y'all can pick a couple of dates that  
3 look -- look good now or we can throw some dates out, which  
4 is any date that you want.

5                   MS. PACHA: I would like to suggest April  
6 26th.

7                   MS. HERBEIN: I'd like to suggest April 18th.  
8 I feel like we're on like --

9                   MS. ZAVALLA: Bidding show.

10                  MS. HERBEIN: -- a bidding show.

11                  (Laughter)

12                  UNIDENTIFIED VOICE: That works for me.

13                  MR. ALLEN: The 18th is the national  
14 symposium for NIB, so you'll -- your Lighthouse agencies  
15 will be -- should be attending that.

16                  MS. ZAVALLA: 26th is good for me.

17                  MS. HERBEIN: No, I -- so how about the 19th?

18                  MR. ALLEN: They'll be gone -- yeah, we'll be  
19 gone that whole --

20                  MS. PACHA: That's that whole --

21                  MR. ALLEN: The whole week, yeah.

22                  MR. SERNA: Week of April the 9th?

23                  MR. QUIGLEY: Week of April the 9th?

24                  UNIDENTIFIED VOICE: I cannot do week of  
25 April 9th.

1 MR. GRAHAM: Wide open.

2 (Laughter)

3 MR. SERNA: Week of April 2nd.

4 UNIDENTIFIED VOICE: I'm not available that  
5 week, first week in April.

6 MS. ZAVALLA: Yeah, I think we might just  
7 have to say the majority and then --

8 UNIDENTIFIED VOICE: Google scheduler?  
9 Kelvin, Google scheduler? Can we do that? Something  
10 simple.

11 MR. SERNA: Okay.

12 MR. ALLEN: First week, second week, is out.

13 UNIDENTIFIED VOICE: Third week's out.

14 MR. SERNA: Third week is out.

15 MR. ALLEN: The week of the 23rd I've got  
16 some pretty good holes there.

17 UNIDENTIFIED VOICE: Yeah.

18 MR. QUIGLEY: I'm good for the whole week of  
19 the 23rd.

20 UNIDENTIFIED VOICE: Same here.

21 UNIDENTIFIED VOICE: Same here.

22 UNIDENTIFIED VOICE: Me too.

23 UNIDENTIFIED VOICE: Yeah, the week of the  
24 23rd.

25 MR. QUIGLEY: Yeah.

1 UNIDENTIFIED VOICE: I'm not.

2 MS. HERBEIN: The week of the 23rd? Well,  
3 I'm available on Monday, the 23rd, and that's it.

4 MS. ZAVALLA: I'm not here the week of the  
5 23rd.

6 (Laughter)

7 MS. ZAVALLA: Kelvin, you've got your job.

8 UNIDENTIFIED VOICE: Okay.

9 MR. QUIGLEY: Staff will send that out.

10 UNIDENTIFIED VOICE: What about May 1st? The  
11 week of May 1st? Does anyone have any problems with the  
12 week of May 1st?

13 MS. ZAVALLA: I just turned my phone off.  
14 Give me a minute.

15 (Laughter)

16 MR. SERNA: We'll send something out.

17 MS. ZAVALLA: Thank you.

18 UNIDENTIFIED VOICE: Kelvin, I'm not  
19 available that week.

20 MS. HERBEIN: Yeah, I would suggest that you  
21 all -- because it seems like April is so difficult for --  
22 we're not even close to maybe also either look at the last  
23 week of March and the first week of April and May, in that.

24 MR. SERNA: We can do that.

25 UNIDENTIFIED VOICE: Okay.



1 MR. QUIGLEY: All right. Any other business,  
2 folks?

3 MS. ZAVALLA: You did a good job, sir.

4 AGENDA ITEM NO. 8

5 MR. QUIGLEY: Well, thank you. Make a motion  
6 to adjourn?

7 MS. ALLEN: Move to adjourn.

8 MR. QUIGLEY: Second?

9 MS. ZAVALLA: Yes, sir.

10 MR. QUIGLEY: Those in favor?

11 (Chorus of "ayes")

12 MR. QUIGLEY: We're adjourned.

13 (Meeting adjourned at 12:12 p.m.)

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C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF TRAVIS )

I, Kimberly C. McCright, Certified Vendor and Notary 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 13th day of April, 2018.

/s/ Kimberly C. McCright  
Kimberly C. McCright  
Certified Vendor and Notary Public

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