

**Workforce Solutions Deep East Texas
Board Meeting Minutes
415 S. First Street, Suite 110B
Lufkin, TX 75901
February 8, 2022**

I. CHAIR WAYNE HAGLUND CALLED THE BOARD MEETING TO ORDER AT 2:31 P.M.

MR. HAGLUND ANNOUNCED IN ACCORDANCE WITH GUIDANCE FROM THE TEXAS WORKFORCE COMMISSION (WD LETTER 28-19) DATED NOVEMBER 19, 2019, REGARDING THE TEXAS OPEN MEETINGS ACT GOVERNMENT CODE CHAPTER 551 ALLOWING THE USE OF VIDEOCONFERENCING AS A METHOD FOR CONDUCTING BOARD MEETINGS, THE BOARD IS PROVIDING FOR PUBLIC PARTICIPATION IN ITS BOARD MEETING AT THE ADDRESS LISTED ABOVE AND VIA VIRTUAL MEETING WEB LINK. HE ALSO SAID THE MEETING IS BEING RECORDED AND THE OPEN SESSION PORTION OF THE MEETING IS AVAILABLE TO THE PUBLIC UPON REQUEST. THE BOARD SERVES TWELVE (12) COUNTIES AND LISTED THE HOST LOCATION AND PRESIDING OFFICER, WAYNE HAGLUND, WAS PHYSICALLY PRESENT.

AFTER THE ROLL CALL, MR. HAGLUND CONFIRMED THAT A QUORUM WAS PRESENT:

Members Present: Lisa Balty, Rebekah Burkhalter, TJ Colwell, Tyane Dietz, Tim Ditoro, Robert Fitzpatrick, James Gentry, Phyllis Grandgeorge, Wayne Haglund, Ethan Herr, Staci Hodges, Eddie Hopkins, Anita Humphreys, Garvey Jackson, Kotosha Jeffery, Gene Lee, Kelli Marshall, Quincy Martindale, Randall Roberts, Jessica Rogers, Rich Scott, John Allen Slocomb

Members Absent: Joe Clyde Adams, Malcolm Ifoezeh, Laurie King, Matthew Lowery, Ellen Mills, Marisa Phillips, John White

Board Staff Present: Mark Durand, Debb Homman, Lauren Phipps, Karen Stubblefield, Misty Woodard

Visitors: Scott Amey, Magen Anderson, Jessica Blair, LaTreaser Cartwright, Rhonda Cartwright, Paul Dunn, Monica Peters-Clark, Shakia Roberts, Arree Currie-Towery

WAYNE HAGLUND REMINDED THE BOARD MEMBERS OF THE CONFLICT OF INTEREST DECLARATION.

Wayne Haglund asked that all members sign a conflict of interest declaration regardless of whether they have a conflict and return the form to board staff.

WELCOME OF GUESTS:

Mark Durand welcomed Magen Anderson with AARP to the meeting. Ms. Anderson has been working to connect the Board staff with a possible hire through AARP to work the reception area of the Board office.

II. Public Comments

None

III. Discussion/Action: Approval of Minutes – November 9, 2021

Motion: Kelli Marshall made the motion to approve the minutes as presented.
Second: James Gentry
In Favor: All
Oppose: None
Abstain: None
Motion: Passes

IV. Election of Officers

Chair Wayne Haglund announced that the Election of Officers was not finalized and will go before the Board at the following Board meeting.

V. Information Items

A. Appointment and Reappointment of Board Members

Mark Durand stated one (1) new member, Matthew Lowery, has been appointed and approved to serve on the Deep East Texas Local Workforce Development Board. Mr. Lowery is the Project Manager for Texas Farm Products Nutrition (TFP) and will represent the Private Sector. Mr. Durand also stated that seven (7) Board members were confirmed as reappointments by the Commissioners – Mr. Joe Clyde Adams, Mr. James Gentry, Mr. Ethan Herr, Mr. Garvey Jackson, Ms. Kotosha Jeffery, Mr. Gene Lee, and Ms. Marisa Phillips.

B. Workforce Board Meeting Schedule

The Board Meeting Schedule for Calendar Year 2022 was presented for the Board Members' reference.

C. BCY'21 Oversight Capacity Rating

Mark Durand reviewed the Texas Workforce Commission's (TWC) annual evaluation of the Workforce Solutions Deep East Texas (WSDet) Board's oversight capacity. The WSDet Board received a rating of Meets Standards in all categories of the evaluation for Board Calendar Year 2021. Mr. Durand also noted the WSDet Board's Community Impact Statement was approved by TWC.

D. TWC Acceptance of HB 1 2022 Budget Documents

Mark Durand summarized the letter from TWC approving the Board's budget for the fiscal year beginning October 1, 2021 through September 30, 2022.

VI. Board Members Comments on Activity in their Respective Areas

Mr. Quincy Martindale commented on the success of the reverse job fair held for the Tyler County Nursing LVN students that were graduating in December 2021. Mr. Martindale said it was a great experience and believed it to be beneficial for employers and jobseekers alike. Mr. Tim Ditoro gave an update regarding the partnership between Lockheed Martin and Angelina College. Mr. Ditoro stated an opportunity is in the works for the Fall Semester at Angelina College to obtain an Electronics Assembler Level I certificate, with the help of Lockheed Martin staff. Mr. Gene Lee noted the recent changes in the Commercial Driver's License (CDL) guidelines. Mr. Lee connected the Board staff with a knowledgeable contact to explain the changes and to share the providers listed on the new Training Provider Registry of the Federal Motor Carrier Safety Administration (FMCSA) within the Deep East Texas region.

VII. Executive Director's Report

A. Contracts/Agreements

Mr. Durand reviewed the recently executed contracts and agreements, including: a Memorandum of Understanding/Infrastructure Agreement with Motivation Education & Training (MET) for the purpose of MET leasing one office in the Polk County Workforce Center to provide services and work-based job

training to older Americans; a Child Care Hearing Officer contract with E. Taylor and Associates to conduct a review of procedures and information regarding an appeal filed by a Child Care Provider; and a contract agreement between the Board and TRANSFR, Inc. for the lease of virtual reality headsets to be implemented by the Workforce Career Education Outreach Specialist for the purpose of providing career exploration to students in grades 6th through 12th.

B. Performance

Mr. Durand reported on Child Care Performance, stating that as of November 2021, child care enrollment was at 98.26%, which is within the meeting performance target of 95-105%, and the actual average per day enrollment of 1926 is just shy of the target goal of 1960. Mr. Durand explained that a plan is in place to reach the target goal of 1960. There has been a drop in enrollments due to varying factors, such as parents not recertifying and parents no longer meeting the eligibility requirements. As of December 2021, there are 41 Texas Rising Star (TRS) Providers with 1433 children enrolled within the TRS centers. There are 1140 children on the waiting list for child care enrollment. Child Care Services staff are continually reaching out to applicants on the waiting list to achieve enrollment. As of January 21, 2022, 310 Service Industry Recovery (SIR) children have been enrolled, with a goal of 867 enrollments. Workforce Boards across Texas are having difficulty reaching the target enrollment numbers, however, the Boards are working together to on ways to increase this number. Mr. Durand reported on Workforce Performance, stating the December 2021 Monthly Performance Measures (MPR) (YTD) reflected five (5) missed measures. The workforce contractor and the Board staff have been working closely together to construct new methods and plans to meet these measures.

C. Contacts and Coordination Efforts

From November 2021 – January 2022, many contacts and coordination efforts were made, including participation in the Nacogdoches Chamber of Commerce Stakeholders meeting, Workforce Services discussions with Polk County Judge, Sydney Murphy, attendance and participation in TAWB and TWC Annual Conference, participation in the Economic Future of San Augustine and the Economic Future of Jasper, Newton, and Tyler Counties, both of which were hosted by T.L.L. Temple Foundation, and coordination through the Board’s Workforce Career and Education Outreach Specialist Program with 12 Independent School Districts throughout the region to produce 121 Workshop Presentations and engage with 2,328 students and faculty.

D. Rules and Legislation Update

Mr. Durand noted that TWC has approved 2.45 billion one-time funds to aid child care providers. The funds are intended to be used for support of operating cost incurred by the providers to address the impacts of COVID.

E. Funding

Mr. Durand noted the Child Care Services Formula Amendment adding \$2,736,241 in additional funding for a total award amount of \$14,655,338. The Workforce Commission Initiatives Grant Amendment added \$55,331 for short-term training for parents in child care services program, for a total award amount of \$234,744.

F. Other Activity and Administrative Matters not requiring action by the Board

The unemployment rate for the region for December 2021 was at 5.8%, down from 6.1% in November 2021 and 7.9% in December 2020. Mr. Durand mentioned the progress being made in the second year of the Teacher Externship Program with 14 Independent Schools Districts nominating 41 teachers for the program as of February 4, 2022.

VIII. Committee Reports

A. Operations Committee Reports

1. Committee Activity

2. Discussion/Possible Action

a. Action Item 22-02 Equal Opportunity Policy & Procedures

Mr. Durand stated the Board’s Planning and Policy Specialist and Equal Opportunity Officer, Lauren Phipps, has been reviewing the Board’s policies and procedures and updating them, as necessary, based on current regulations and TWC guidance. Lauren Phipps summarized the revisions and updates made to the Equal Opportunity Policy and Procedures, including the

removal of outdated regulations, the addition of language covering Religious Accommodations, and the revision of the Sexual Harassment section of the policy to cover harassment more broadly. Ms. Phipps also mentioned that a Definitions section and References section were added to the policy for better understanding. Mr. Durand noted that Lauren Phipps has reached out to all six of the workforce centers in the Deep East Texas region to ensure each center is meeting the Americans with Disabilities Act (ADA) requirements. Ms. Lisa Balty pointed out an oversight regarding the definition of Harassment which contained a part of the definition for Sexual Harassment. Ms. Balty also had questions regarding who to report harassment complaints to. Ms. Phipps stated that each Workforce Center and the Board have assigned Complaint Takers. Complaints can be made to any assigned Complaint Takers or to the Equal Opportunity Officer. Mr. Haglund recommended sending a copy of the newly revised Policy reflecting the additional changes discussed during the Board meeting to the Board Members once completed. The Board Members agreed to move forward with the Motion and accept the changes outlined.

Motion: The Operations Committee voted and recommended acceptance of the Equal Opportunity Policy and Procedures as presented.

Second: Tyane Dietz

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

b. Action Item 22-03 Integrated Complaints, Hearings, and Appeals Policy & Procedures

Lauren Phipps said this policy was updated according to her review of TWC's Chapter 823 rules. Ms. Phipps summarized the revisions made to the policy, including added language in the Complaints section regarding who may file a complaint, updating timeframes for reaching informal resolutions decisions, and the removal of outdated information regarding the Board staff providing information online to Eligible Training Providers. Mr. Durand noted that the reason for this change is due to the state now approving Eligible Training Providers instead of the local Boards, therefore, this information for Eligible Training Providers is now found on TWC's website. This information includes instructions for filing complaints and appeals.

Motion: The Operations Committee voted and recommended acceptance of the Integrated Complaints, Hearings, and Appeals Policy and Procedures as presented.

Second: James Gentry

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

c. Action Item 22-04 Protection of Personally Identifiable Information Policy & Procedures

Mr. Durand pointed out the necessity for procedures in safe-guarding personally identifiable information (PII) to ensure PII is kept confidential and is protected against hackers or data breaches. Lauren Phipps stated the revisions to this policy were made following her review of TWC's WD Letter 02-18, TWC's Information Security Standards version 3.0, and the Department of Labor's Training and Employment Security Guidance Letter (TEGL) 39-11. Revisions included update of the link to TWC's Information Security Standards and Guidelines, correcting the Definitions section regarding two definitions, removing any reference to WD Letter 13-13 as it has been rescinded, adding references to WD Letter 02-18, and including additional information regarding Recommended Best Practices.

Motion: The Operations Committee voted and recommended acceptance of the Protection of Personally Identifiable Information Policy and Procedures as presented.

Second: Marisa Phillips

In Favor: All

Oppose: None
Abstain: None
Motion: Passes

B. Business Services Committee

1. Committee Activity

Ms. Tyane Dietz requested an update at the next meeting regarding tracking the number of customers placed in employment. Ms. Dietz recommended reaching out to TWC for guidance.

2. Discussion/Possible Action

a. Action Item 22-01 UI Job Search Requirements

Ms. Tyane Dietz brought before the Board the recommendation that Unemployment Insurance (UI) job search requirements be increased from a minimum of three (3) job searches made by UI claimants per week to five (5) job searches performed per week to encourage claimants to actively search for employment more frequently, effective March 1, 2022.

Motion: The Business Services Committee recommended the approval of the UI Job Search Requirements as presented.

Second: Robert Fitzpatrick

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

C. Executive/Finance Committee

1. Committee Activity

2. Discussion/Possible Action

a. Action Item 22-06 Fraud Policy & Procedures

Lauren Phipps summarized the revisions and updates made to the Board's Fraud Policy, including updating the URL links to the Child Care Fact-Finder's Desk Aid and to the Incident Report Form RID-32. The mailing address and email address to submit the Incident Report Form was also updated. Language was added in section IV. Determination Letter regarding the requirement that the Board close all cases in PIRTS once a Determination Letter has been issued. Mark Durand mentioned that PIRTS is a system the Board is required to utilize per TWC to track and record customer case information. Lauren Phipps also noted the References section was updated to include WD Letter 21-16, Change 3, and the removal of WD Letter 05-04, Change 1 due to its rescission.

Motion: The Executive/Finance Committee recommended for acceptance of the Fraud Policy and Procedures as presented.

Second: Lisa Balty

In Favor: All

Oppose: None

Abstain: None

Motion: Passes

b. Action Item 22-07 Closed Session – Deliberation Regarding Executive Director Employment and Evaluation Concerning Action Item 22-07. Gov't Code §551.074

Chair Wayne Haglund announced the Executive Director Evaluation was not complete, therefore Action Item 22-07 would go before the Board at the following meeting.

3. Open Session Action, if any, as a result of Closed Session

None

4. Discussion and Acceptance of Financial Reports

a. Financial Reports for October, November and December 2021

1. **Statement of Financial Position**
2. **Budget vs. Actual**
3. **Grant Report**

Misty Woodard provided financial updates for the months of October, November and December 2021. Ms. Woodard referenced the variance narrative and reviewed the contracts outstanding. Mr. Haglund inquired as to how many facilities were included in the workforce rent for October and November in the amount of \$74,000. Ms. Woodard answered that the amount included rent for all the Deep East Texas workforce centers. Ms. Woodard noted that the Board is in the process of procuring the purchase of a new server due to ongoing issues with the Board's current server and to expect the purchase to be included in the financial reports in the near future. On a motion by Gene Lee and seconded by Robert Fitzpatrick, the Board accepted the financial reports.

IX. Adjourn

Wayne Haglund adjourned the meeting at 3:38 p.m.

Duly passed and approved on this 8th day of MARCH 2022


Wayne Haglund, Chair

Attest


Lauren Phipps, Planning and Policy Specialist