

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COMMISSION ON HUMAN RIGHTS
(TEXAS WORKFORCE COMMISSION)
AUSTIN, TEXAS

PUBLIC MEETING FOR THE)
COMMISSION ON HUMAN RIGHTS)

COMMISSION MEETING

WEDNESDAY, JANUARY 16, 2008

BE IT REMEMBERED THAT at approximately
9:00 a.m., Wednesday, the 16th day of January 2008,
the above-entitled matters came on for hearing at the
Texas Workforce Commission, TWC Building, 101 East
15th Street, Room 244, Austin, Texas before CHAIRMAN
ANDERSON and the COMMISSIONERS of the Commission on
Human Rights; and the following proceedings were
reported by Patricia Gonzalez, a Certified Shorthand
Reporter, in the State of Texas.

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P R O C E E D I N G S

WEDNESDAY, JANUARY 16, 2008

(9:00 a.m.)

AGENDA ITEM NO. 1

CHAIRMAN ANDERSON: All right. It's nine o'clock, January 16, 2008, Civil Rights Division Meeting. I want to welcome everyone, guests and also staff, to the meeting. We may have one more Commissioner coming. I know he was planning on coming, Commissioner Santiago, but, if not, we'll go ahead and proceed.

The agenda this morning may be modified slightly. We would like to let our visitors from Fort Worth speak to the Commissioners; that's Ms. Boling -- Vanessa Boling and Leon Russell.

And, Mr. Sweeney, did you want to address the Commissioners for any particular reason or -- if you do, we'd love to have you speak.

MR. SWEENEY: I'm just here just to sit in on the meeting.

CHAIRMAN ANDERSON: Please critique us. And if you see any Commissioner out of order -- Khalifa getting out of order, just make a note, a mental note on that.

(Laughter)

1 MR. SWEENEY: Will do.

2 COMM. KHALIFA: Straighten me out.

3 AGENDA ITEM NO. 2

4 CHAIRMAN ANDERSON: So without further
5 adieu, Item No. 2, Ms. Boling and Mr. Russell, if
6 you'd like to come up, and welcome to our meeting.

7 MR. RUSSELL: Good morning.

8 MS. BOLING: Good morning.

9 MR. RUSSELL: Let me begin by sort of
10 properly introducing myself. I am Leon Russell. I am
11 the director of the Pinnellas County Florida Office of
12 Human Rights in Clearwater, Florida, but I also serve
13 as president of the International Association of
14 Official Human Rights Agencies, and that's the
15 capacity that I am here visiting today. With me, of
16 course, is Vanessa Boling, director of the Fort Worth
17 agency, and Vanessa is first vice-president of the
18 International Association.

19 We're here kind of for a couple of
20 purposes, the main one being that we are very
21 interested in having our National Conference in Texas;
22 hopefully in Austin. If not this year, possibly in
23 the next couple of years, and we wanted to introduce
24 you to IAOHRA and hopefully get your support.

25 The conference itself has changed

1 somewhat. We've, for the last 47 years, had our own
2 individual conference, but some of you may know that
3 there's -- IAHORA represents the statutory civil
4 rights agencies, state and local agencies across the
5 country, and the provinces of Canada and several
6 foreign countries. So our effort is aimed at policies
7 that affect and impact the operation of civil rights
8 enforcement agencies at the state and local level and
9 how we adequately program for those.

10 There is also the National Association
11 of Human Rights Workers, which is an association of
12 individuals who work in the field of civil rights,
13 human relations, community relations, equal
14 opportunity, and the purpose of NAHRW has always been
15 to develop and enhance the professionalism of the
16 staff who work in civil rights agencies and has
17 conducted training in employment discrimination
18 investigation, housing discrimination investigation,
19 investigation of public accommodations complaints and
20 the like and how to deal with intergroup tension and
21 all of those kinds of issues.

22 Well, we -- as I've said, we've had
23 individual conferences for the past 47, 48 years, but
24 last year, because of a number of things, including
25 economic situations and the fact that there is, in

1 fact, so much overlapping in what we do, we came
2 together for our first Joint Conference. And so going
3 forward, we will have our conferences together,
4 providing training opportunities for staff, providing
5 policy discussion opportunities for directors and
6 commissioners of agencies and providing, hopefully,
7 some input and opportunities for discussion of issues
8 surrounding intergroup tension, intergroup relations,
9 civil rights enforcement, the whole gamut of things
10 that we deal with on a regular basis. And so what
11 we'd like to do is to bring our Joint Conference to
12 Texas and have the support of the Texas Commission.

13 We're looking -- today, there's a
14 committee that will come in later this afternoon with
15 us. We'll be looking at hotel and meeting facilities
16 here in the Austin area, talking to folks about the
17 possibility of hosting our conference, and so that's
18 our prime area of interest.

19 Also, as part of our responsibility with
20 IAOHRA, what we do is we advocate with the United
21 States Equal Employment Opportunity Commission and the
22 U.S. Department of Housing and Urban Development with
23 respect to the Fair Employment Practice Agency Program
24 and the Fair Housing Assistance Program -- agency
25 program. We work with the commissioners in terms of

1 policies at EEOC that affect the enforcement of Title
2 VII and ADEA and the other laws that we're out there
3 dealing with. We also, obviously, have contractual
4 relationships, as you do here in Texas, and we're
5 always trying to make sure that state and local
6 agencies are being adequately funded, that contracts
7 are let in a timely fashion so that budgets can be
8 made.

9 You know, one of the prime problems that
10 we also have as state and local agencies is that our
11 budget cycles don't coincide with the federal budget
12 cycles. And, very often, we're not quite sure how
13 much money we're going to be able to allocate for the
14 FEPA program or for the FHAP program, and so our job
15 at IAOHRA at the national level is to kind of work
16 with the commissioners and to try to figure those
17 things out. We do the same with HUD in terms of
18 working with the assistant secretary and staff at HUD
19 and our regional directors to make sure that the Fair
20 Housing Assistance Program is adequately meeting our
21 needs.

22 With respect to EEOC this morning,
23 Vanessa has -- under an agreement that we worked out
24 last year with EEOC, Vanessa spent -- I don't know if
25 she'd call it a pleasant tour --

1 MS. BOLING: A long time.

2 MR. RUSSELL: -- but she was actually
3 outsourced to Washington, D.C. for a couple of months
4 and actually worked in the chairman's office at EEOC
5 as a liaison for state and local agencies. And one of
6 the things we wanted to do, since we're here this
7 morning, is have Vanessa give us sort of an overview
8 of what is going on at EEOC as it affects state and
9 local agencies, and that's primarily about money and
10 how it gets distributed. So I wanted to let her do
11 that, and then we'll go a little bit more in-depth
12 about what a Joint IAOHRA-NAHRW Conference looks like.

13 Vanessa.

14 CHAIRMAN ANDERSON: Before that, we're
15 not going to get the federal government to change
16 their budgetary cycle and probably not going to get
17 all 50 states to change theirs. And you may be
18 addressing this in your presentation, but how is the
19 EEOC and HUD going to plainly reconcile some of these
20 issues about budgets being off cycle and not being on
21 the same track?

22 MS. BOLING: The one thing that we can
23 do that we have not done in years past and we're
24 attempting to do this year is contract earlier in the
25 year. If we know how much money there is to spend and

1 explain that the federal dollars being matched by
2 state and local government is almost four to one in
3 many instances, and sometimes more than that. In Fort
4 Worth, it's four to one. And to be able to show that
5 if we -- if they starve us out of existence, they
6 can't do the work for what they're paying us to do it.
7 So we need to be supported as full partners, and we're
8 accumulating the data to show that, being able to give
9 better figures at contracting time, be more efficient
10 with contracts, get our money earlier in the year and
11 be more accurate in projecting. Given everything that
12 we have now, that's what we're looking forward to
13 doing.

14 MR. RUSSELL: One of the things that
15 we've got going on, is, we will meet in Washington as
16 a board of directors of IAOHRA next week and we will
17 be sitting down individually with each commissioner or
18 their major staff persons to discuss the budget
19 situation, to discuss the contracting situation. We
20 have a meeting with the Chair to sort of take back the
21 feedback that we have from state and local agencies
22 and to explain to them, you know, that we understand,
23 as Commissioner Anderson has said, that nobody is
24 going to change their cycles, but it's a matter of
25 getting the information out and having the

1 communication and the ability to have some idea of
2 specifically how much is available for us so that
3 folks can do a logical job.

4 CHAIRMAN ANDERSON: I didn't mean to get
5 you off your presentation, but please feel free to add
6 additional comments or go into the presentation if you
7 want to.

8 MS. BOLING: Well, I just -- what you
9 asked me was right on point with what I was going to
10 say, was that we have opportunities to help
11 policymakers in Washington understand the impact of
12 their decisions on our state and local agencies. They
13 are pulling together the two -- the '09 budget will
14 be -- is out of their hands and will be announced --
15 presented by the president later this month; if not,
16 the first of February.

17 But they're working on the 2010 budget.
18 As we are working on 2010, they are working on 2010,
19 and being able to articulate what our needs are and
20 what our shortfalls are, revenue gaps are going to be,
21 it's important, and we need to engage early in those
22 conversations in order to have any level of influence.

23 What we are able to do as IAOhRA is be
24 able to basically get on the phone -- "Robert, what's
25 happening in your shop?" You know, "Leon, what's

1 going on in Florida?" -- pick up and be able to give
2 them feedback that's real-time on what's really going
3 on, because they -- on L Street in Washington, they're
4 not getting that information, and that's up to us to
5 give it to them -- provide it to them.

6 MR. RUSSELL: One important thing I
7 think that we see is the need to educate the folks who
8 represent us in Washington. And I'm not really
9 talking about lobbying, but I'm talking about making
10 our presence known to our congressional
11 representatives. A lot of times what we find is that
12 you have congressmen who are not really aware of
13 what's going on with the Texas Commission on Human
14 Relations, you know, what's going on in Florida, how
15 many complaints are coming out of a state. So the
16 issue is to be able to let them know what kind of work
17 we're doing so that when the budget cycle -- when
18 they're considering Budget and Appropriations
19 Committees, they can let the word go forth, that,
20 "Hey, you need to do this."

21 You know, it's hard to really explain to
22 folks that investigating a Housing complaint may get
23 me 23-, \$2,400; doing the same kind of work for an
24 Employment complaint only gets me \$550. And so
25 there's that need that as we, as state and local

1 agencies meet with our congressional folks to talk
2 about the kinds of concerns and needs that we have,
3 that we let them know exactly what kind of effort is
4 going into this, let them know that the State of Texas
5 is putting in four times as much money on the
6 investigation of complaints as is the federal
7 government and ask them what they can do about it.
8 You don't expect major change, but you do expect some
9 awareness and some ability to hold the line with
10 respect to the budget.

11 CHAIRMAN ANDERSON: Did you have
12 another -- some more that you wanted to discuss or was
13 there -- did I just ask the question that was on
14 point?

15 MS. BOLING: The only thing I would
16 mention -- and we'd be interested in tracking the
17 cases here -- cases are going up. One of the things
18 that we have been -- that's been said to us by EEOC
19 and LMB is that our inventories are down. We can
20 track now that they are back on the rise. We're going
21 to be addressing more people, more charges, more cases
22 with fewer resources.

23 The other thing we'd like to be able to
24 do is to be able to talk about the kind of things that
25 we're doing. If we don't talk about litigation in a

1 professional setting, EEOC is not getting that
2 information; it's not getting passed to the district
3 directors. State policies or state laws that are
4 being -- either regulations or laws that are being
5 amended or changed are not being shared and sent up.
6 There's some models out there that we're not doing a
7 good job of talking about. So that's one -- another
8 reason that we meet as IAOHRA, is to make sure that
9 we're sharing those best practices and following those
10 trends, but we certainly would like to hear from
11 you-all, too.

12 MR. RUSSELL: One of the things -- you
13 were each given a copy of last year's Joint Conference
14 Program. It just sort of gives you an idea of what
15 we're talking about in terms of Joint Conference.

16 Last year's conference was a little bit
17 different, in that it was the first Joint Conference
18 and we were meeting in Atlanta, and so there was an
19 emphasis on -- since you're in the heart of the civil
20 rights, sort of, genesis area, if you will, there was
21 an effort to say to folks, "This is where it began.
22 Let us take you and show you some of the venues where
23 things really were going on during the heat of the
24 civil rights battle."

25 What we've done with our program that's

1 a little bit different than previous years is we
2 have, first of all, incorporated into our agenda the
3 National Fair Housing Training Academy. The Training
4 Academy is where all of us are required to send our
5 staff for a five-week certification program in Fair
6 Housing investigations. That's --

7 CHAIRMAN ANDERSON: That's the one at
8 Howard University?

9 MR. RUSSELL: Well, actually, it's been
10 at Howard. The last several months, they moved down
11 to the U.S. Department of Agriculture Graduate School,
12 and it's my understanding that later on this year
13 we're going to be changing to a new location, but,
14 yes, it's the Training Academy.

15 What we did last year was incorporate
16 two weeks of certification, Week 2 and Week 4, into
17 the Joint Conference Program. What we are looking for
18 in 2008 and have -- are working with the Academy to do
19 is put all five -- one session of all five weeks of
20 the Training Academy into our program agenda. That
21 would sort of -- it assists, really, our agencies,
22 because that way they can get a lot done. It helps
23 IAOHRA and NAHRW getting folks trained. It also keeps
24 folks from having to go to Washington, D.C. and spend,
25 quite frankly, the money that you have to spend in

1 Washington, D.C. You can't get in a hotel in
2 Washington for less than \$180 unless you find
3 something that's not really so palatable, and,
4 generally, we can provide a better setting for folks.
5 We're doing the same with EEOC, trying to make sure we
6 incorporate their actual training programs into our
7 agendas. So as you go through that, you'll see that
8 here.

9 The other thing is that we've tried to
10 join with some other organizations to sort of upgrade
11 our training. So, for instance, we have a working
12 relationship now with the John F. Kennedy School of
13 Government at Harvard. We have something called the
14 Executive Session on Human Relations, Community
15 Relations. They came in with us. Last year's
16 emphasis was on criminal justice, and so we had human
17 relations directors working with chiefs of police from
18 around the country, major cities, talking about
19 tensions between communities and police forces and how
20 you moderate that.

21 We also joined with the Columbia
22 University School of Law to deal with some issues
23 there involving how state and local human rights
24 agencies may be able to enact or at least work with
25 the enactment of many of the U.N. treaties and things

1 that impact particularly folks who are coming in and
2 out of the country, those kinds of things, as we look
3 at the international human rights area.

4 So we've tried to broaden the agenda to
5 bring in those aspects of what we do, and we're always
6 open to more interaction from our state and local
7 partners as we go forward working with the agencies
8 that we work with. We want to be able to work with
9 the Department of Justice in addition to EEOC in
10 addition to HUD going forward, looking at our various
11 civil rights responsibilities.

12 So what we're looking for from you is a
13 commitment that you'd like to see about 400 to 500
14 individuals from across the nation come to Austin or
15 somewhere else in Texas and meet here for about five
16 days doing the Joint Conference.

17 CHAIRMAN ANDERSON: Let me just -- let
18 me go ahead and address a couple of things.

19 I'm really pleased to see that, because
20 one of the things that I think is important is for all
21 the agencies to -- not necessarily run like a
22 business, but to try to be as effective and efficient
23 business community -- it isn't always that way, but I
24 would say it's a fairly good model -- and to combine
25 the resources. For example, I think if we did have it

1 in Austin, we'd certainly have the Austin HR Chapter
2 who may want to partner with you, the local Bar or
3 maybe the ABA to provide speakers and to, you know,
4 get your message out and -- about the meetings.

5 I think it's important for all the FEPAs
6 and FHAPs to be as effective and as efficient as
7 possible with the dollars that we do receive. We
8 don't always have a great deal of control over how
9 many dollars we receive, but we certainly could
10 advocate for it. But whatever dollars we do receive,
11 that we are efficient as possible so we can
12 demonstrate we're using the dollars wisely. I would
13 like to see in these sessions maybe even some
14 business -- you know, best business practices or best
15 practices on one of the respective agencies as part of
16 a course curriculum.

17 Those are my thoughts.

18 COMM. KHALIFA: I just -- I think it's
19 great that you-all want to come to Texas, and I want
20 to welcome you, personally, to Tyler, Texas. So if
21 you'd like to have your conference in Tyler --

22 (Laughter)

23 COMM. KHALIFA: -- we'd be more than
24 happy to help in any way we can.

25 COMM. JAMES: Of course, then there is

1 Midland, Texas.

2 (Laughter)

3 MS. BOLING: And we've already been to
4 Fort Worth twice.

5 (Laughter)

6 COMM. JAMES: It's a long drive to get
7 to where I am, I'll just say that.

8 But I would echo the sentiment of the
9 Chair, and one of the things that I -- this is a very
10 fascinating topic, of course, and one that we all have
11 our heart in some way, shape or form, but I was
12 particularly interested in looking at the program and
13 seeing that there is, in fact, a notion of -- and in
14 this case, it says "building a business case for your
15 organization," and I think -- I think, with all
16 organizations, you have to be able to convince people
17 that there is value in what you're doing and there's a
18 return in what we're doing, and so I was pleased to
19 see that topics like that are included. So I want to
20 commend you.

21 MR. RUSSELL: We've tried to do that.
22 We've tried to incorporate -- Commissioner Anderson
23 had mentioned at a previous conference that he thought
24 we ought to be involved with SHRM, and what we've --
25 the Society for Human Resource Management, and we

1 agreed with that. We've tried to incorporate it.

2 As you look at our sponsor list, you'll
3 see that we've got some major corporate sponsors. We
4 tried to get those corporate sponsors more involved in
5 what we're doing and how we deal with issues, because
6 we do believe that we have to have that relationship.
7 We need to hear from those folks about how we do
8 business, because, obviously, we're interacting with
9 them every day. So we're trying to step it up as we
10 go.

11 CHAIRMAN ANDERSON: I think the issue --
12 we'd love to have it here in Texas. And I'm not from
13 Austin. I'm from the Houston area. So if Austin is a
14 selection, that's great.

15 Financially, I don't know. That's
16 something that you'll have to discuss with Robert and
17 the financial people to see if there's any -- if
18 there's much wiggle room in our budget. I know --
19 just like your budget, it's fairly tight.

20 There's some priorities that I have for
21 some of the dollars, but -- and I think all the
22 Commissioners share it, but there might be, also, some
23 extra dollars that we can help participate on, but,
24 again, that's something that you need to discuss with
25 Robert and he'll certainly get with the financial

1 people.

2 MR. RUSSELL: From an agency standpoint,
3 we're not really expecting a lot of agency dollars to
4 be used. What we look more for the host committee to
5 do is to be able to connect us with folks in the
6 community who have the kind of insight that would
7 assist us. For instance -- and I'll throw this out
8 and commit them early. If we're looking at an Austin,
9 Texas, you have Dell Corporation located here in the
10 community. It so happens that the former chairman of
11 EEOC, Gilbert Casellas, is now a -- I think it's
12 vice-president or -- of Dell and has moved into this
13 area. Someone who's very familiar with and has worked
14 with IAOHRA, we would look to make that connection in
15 Austin for Dell Corporation, for instance, to help
16 support us, as does Boeing on an ongoing basis, as
17 does United -- UPS. I'm sorry. We don't call them
18 United Parcel Service anymore.

19 (Laughter)

20 MR. RUSSELL: They're UPS.

21 We have, you know, several ongoing major
22 sponsors, and part of what we do is working with those
23 folks to make sure that they have a part in helping us
24 educate the folks who are going to be investigating
25 complaints that are filed against them. So there's a

1 vested interest there for working together.

2 So what we'd be looking for here is,
3 "Hey, who's out there in your community who can help
4 support what we need to do?" Not looking so much to
5 dip into your money, because we all have the same
6 problem. There are things that we can spend money on,
7 but more than likely, we just don't have the money to
8 spend that way. So it's a matter of making
9 connections for us.

10 CHAIRMAN ANDERSON: Well, we'll commit
11 Robert whatever hours you need.

12 (Laughter)

13 MS. BOLING: I got that down. That's --

14 (Laughter)

15 MR. GOMEZ: As far as TWC CRD is
16 concerned, I think it would be an advantage for us if
17 it was held in Austin. That way, it would allow us to
18 send staff to attend the conference and activities
19 versus the past couple of years where because of
20 budgetary constraints again we weren't able to send
21 anyone out there. We still pay our dues for IAOHRA,
22 but we weren't able to send anyone out there to attend
23 the conference.

24 But I think -- you know, in us, TWC CRD
25 again, having an individual whole manager in charge of

1 special projects and also an individual that's
2 dedicated for special projects and outreach, I think
3 you'll be able to utilize not only him but the rest of
4 our staff if you need to.

5 CHAIRMAN ANDERSON: What are the dates
6 for 2008?

7 MR. RUSSELL: We have not nailed down
8 dates. At this point, what we're looking for --
9 looking at is really the end of August through the
10 first couple of weeks in October with our primary
11 focus being on sort of the third week in September --
12 second or third week in September.

13 We found, last year, that was an optimum
14 date. We had the best attendance at the Joint
15 Conference that we've ever had individually as
16 associations. It seemed to work because basically
17 people had done their work. They were at these -- end
18 of September, they were ready to close out their
19 books. They didn't have a lot of things that needed
20 to get caught up and it was -- the timing seemed to be
21 right; so that's what -- that's the area we're looking
22 at.

23 CHAIRMAN ANDERSON: That close to
24 elections, there's probably no shortage of politicians
25 wanting to speak.

1 (Laughter)

2 MR. RUSSELL: Well, by that time, it
3 will be thinned down considerably.

4 (Laughter)

5 CHAIRMAN ANDERSON: Anything else you'd
6 like to share with us?

7 MR. RUSSELL: No. We appreciate your
8 support.

9 MS. BOLING: I would just like to say to
10 you if we did it -- even though I'm in Fort Worth, you
11 have the full support of the Fort Worth Human
12 Relations Commission. They are an 11-member body and
13 are excited to come -- to hold the conference in
14 Texas, and especially would like to have it in Austin.
15 We've talked to the Austin Human Rights Commission.
16 They are interested and making inquiries.

17 It will take all of us to do a good job,
18 but, together, I think we can pull something off that
19 would shine beyond Atlanta, beyond some of the other
20 places that we've been.

21 MR. RUSSELL: Just in the interest of
22 full disclosure, we are looking at a couple of other
23 cities, Detroit and other cities, and we're trying to
24 make a decision. As I said, the site selection
25 committee will be in later this afternoon. We'll be

1 looking at several hotels in the community, the
2 meeting facilities, and so we appreciate this
3 opportunity to ask for your support and we look
4 forward -- we really do want to come to Texas.

5 CHAIRMAN ANDERSON: Thank you very much.

6 MS. BOLING: Thank you.

7 CHAIRMAN ANDERSON: And I don't know
8 that I properly introduced Gary Sweeney, but Gary
9 Sweeney, the executive --

10 MR. SWEENEY: Regional director of HUD.

11 CHAIRMAN ANDERSON: -- the regional
12 director of HUD in the Fort Worth office. So, once
13 again, we welcome him.

14 AGENDA ITEM NO. 10

15 CHAIRMAN ANDERSON: And right now we're
16 going to go into Executive Session pursuant to
17 Government Code -- we've changed the agenda a little
18 bit -- pursuant to Government Code 551.071 concerning
19 contemplated litigation on or pending litigation of
20 the following cases: Texas Workforce Commission Civil
21 Rights Division v. Henry Carter, et al, and we may
22 also discuss in the session -- Executive Session,
23 Government Code 551.074(a)(1), discuss the
24 appointment, employment, evaluation, reassignment,
25 duties, discipline or dismissal of the Texas Workforce

1 Commissioner Civil Rights Division Director. And it's
2 now 9:33 and we are going into Executive Session.

3 (Executive Session: 9:33 a.m. to 10:32 a.m.)

4 CHAIRMAN ANDERSON: The time is 10:32.
5 We're back in Open Session. The first item concerning
6 the Texas Workforce Commission Civil Rights Division
7 versus Henry Carter, et al, there's no action. And
8 the second item concerning Government Code
9 551.074(a)(1), discuss the appointment, employment,
10 evaluation, reassignment, duties, discipline or
11 dismissal of the Texas Workforce Commission Civil
12 Rights Commission director, do I have a motion?

13 COMM. KHALIFA: I move to authorize
14 Chair Anderson to present and discuss the evaluation
15 of the director with the director on behalf of the
16 Commission.

17 CHAIRMAN ANDERSON: Do I have a second?

18 COMM. WIPF: Second.

19 CHAIRMAN ANDERSON: Second by
20 Commissioner Wipf.

21 Any discussion?

22 (No response)

23 CHAIRMAN ANDERSON: Seeing none, all in
24 favor.

25 (All those in favor of the motion so

1 responded.)

2 CHAIRMAN ANDERSON: Opposed?

3 (No response)

4 CHAIRMAN ANDERSON: And the motion
5 passes.

6 AGENDA ITEM NO. 3

7 CHAIRMAN ANDERSON: Going back into
8 regular agenda items, Mr. Gomez are you ready to
9 proceed on an abbreviated schedule?

10 MR. GOMEZ: Yes, sir.

11 Good morning, Chair Anderson, and good
12 morning, Commissioners. For the record, my name is
13 Robert Gomez. I'm the division director, TWC Civil
14 Rights Division.

15 I would like to direct you to the
16 Director's tab in your handout, and, basically, in an
17 abbreviated form of presentation, meetings are listed
18 there in the first five, six bullets.

19 I did want to go down to the
20 participation in the meeting for cause finding with
21 TWC legal support. I want to point this out because
22 we do have several cases that we have found cause that
23 they're currently going through settlement
24 negotiations, and the reason we're going through that
25 is because not only does it impact our cause finding

1 in our Investigation section, but, also, in our
2 Training section, these negotiations include EEO
3 mandatory training for a workforce for this respondent
4 of almost 1,400 employees. So that -- I'd like to
5 point that out at this point in time.

6 In part of my discussion, I do want to
7 also point out the changes that we've had in our
8 Itinerant Investigator, or as it's now known, the
9 Expanded Presence Project, where we have those offices
10 in Tyler, Amarillo, Lubbock, El Paso and in the Valley
11 in San Juan, those itinerant offices. We did get new
12 office spaces in Amarillo and in Lubbock due to the
13 fact that they had a change in organization out there.
14 So now we're based with the small business development
15 centers out there both in Lubbock and Amarillo.

16 And in Lubbock, I'm excited in the fact
17 that the next time our outreach -- the new outreach
18 coordinator, when he goes out there in Lubbock, he'll
19 also be partnering not only with the small business
20 development center but also with the City of Lubbock
21 and Texas Tech University. That was a change
22 internally that they had within that center. So we
23 will be able to -- that will allow us to make more
24 networking, more outsourcing out there for different
25 groups along the lines of Employment and Housing

1 outreach in that area.

2 Let's see. Another point that I'd like
3 to also share with you-all is that we're fully staffed
4 as far as investigators are concerned. Unfortunately,
5 at this time, we do have an Investigator V who was in
6 a vehicle accident over the holidays and he will not
7 be able to return to work until towards the end of
8 this month. But other than that, we are in the
9 process of hiring our second Investigator II position.
10 We have an Investigator II, which is an in-take
11 investigator for -- one for each team, and the
12 Investigator II for Team 2 is in the process of being
13 hired, and then we will be fully staffed.

14 We have also registered and will be
15 attending the FEPA conference coming up in Los Angeles
16 the week of February 25th. We have registered and
17 will be attending the HUD Conference -- Policy
18 Conference during Federal Fair Housing Month of April,
19 and that will be in Atlanta the week of April 7th.

20 And I believe, Commissioner Khalifa, you
21 registered for that yesterday; so you will be
22 attending with us.

23 COMM. KHALIFA: Yes, I will.

24 MR. GOMEZ: Okay. Customer survey --

25 CHAIRMAN ANDERSON: Is any Commissioner

1 going to the EEOC Conference?

2 COMM. JAMES: When's that?

3 COMM. KHALIFA: February 27th.

4 COMM. JAMES: No.

5 MR. GOMEZ: No, sir. Chair Anderson, we
6 extended the invitation for both, but I think we
7 received a response from Commissioner Khalifa for the
8 HUD Conference only.

9 Very brief here, for the month of
10 December, it's usually pretty slow because of the
11 holidays.

12 CHAIRMAN ANDERSON: Just a minute.

13 MR. GOMEZ: Yes, Chair.

14 CHAIRMAN ANDERSON: When is the --
15 Commissioner Wipf was asking. She might be interested
16 in going to the EEOC. When is that?

17 MR. GOMEZ: That's going to be the week
18 of the 25th in Los Angeles.

19 COMM. WIPF: This month?

20 MR. GOMEZ: February. I'm sorry.
21 February 25th.

22 February 25th, they start at noon, and
23 it will run through five o'clock on the 27th.

24 COMM. WIPF: Let me think about it. I
25 was just thinking that we have Commissioners -- fellow

1 Commissioners who have come on board after I did, and
2 some of them might need or would like to go to this
3 one. But if nobody could go, I might be interested.

4 MR. GOMEZ: Yes, Commissioner, if you
5 are interested, let me know and we'll make the
6 arrangements and see if we can set you up for that.

7 The customer service survey, I do want
8 to share this with you, although, as I started stating
9 before, December is a short month because of the
10 holidays. We only received ten responses to our
11 surveys. Again, the questions: "Was staff courteous
12 and helpful? Did staff provide accurate information?
13 Did staff provide timely response to inquiries? Staff
14 was knowledgeable to CRD procedures," and, "I would
15 recommend your services to others." Again, the
16 strongly agree and agree, we received eight positive
17 responses. On the disagree and strongly disagree, we
18 received two negative responses. Therefore, gave us
19 an 80 percent positive response for the month of
20 December.

21 Another thing that I did want to point
22 out under future goals is that we will continue to
23 work with staff to meet performance measures targets.
24 I did have the opportunity to attend the TWC
25 performance briefing last week, which was very

1 positive.

2 Just to share with you, along the lines
3 of the performance measures, which we had to struggle
4 with last fiscal year, this fiscal year, we are
5 meeting and exceeding. I'm referring to the number of
6 Employment and Housing complaints resolved.
7 Year-to-date, we have 472. Breakdown on that, since
8 the -- according to legislative measures, we have
9 combined both Employment and Housing, but a breakout
10 of that is 410 Employment, 62 Housing compared to the
11 target of -- LBB target of 1,280. That gives us a
12 36.88 percent. And for the month of December, we
13 are -- the target is 33.33 percent of the fiscal year
14 having been completed, but we are at 36.88 percent.
15 So that's very positive for our investigators, very
16 positive for our staff in working and closing the
17 investigations and the cases that we have received.

18 We will continue, also, to work
19 internally with our own TWC training staff. We have
20 established the training plan for CRD for fiscal year
21 '07 and staff has attended three of the planned
22 trainings. We have five more in the fiscal year. We
23 have gone through the communication skills training,
24 which was two classes in December. We have had one
25 "Building a Stronger Team" training module that was

1 delivered to CRD staff. We have another one coming up
2 in February. And we also have a plan for the
3 remainder of the fiscal year, "Priority Management
4 Planning," two classes. And then for the supervisors
5 and managers, we have scheduled "Customer Service for
6 Managers and Leadership in Management" training for
7 the supervisors and managers, and that will be coming
8 up both in March and February.

9 CHAIRMAN ANDERSON: That's through
10 Ms. Thomas' group?

11 MR. GOMEZ: Yes, through the TWC
12 Training Section. They're providing the training.

13 I did want to mention the PC refresh
14 that we are going through. CRD is scheduled for the
15 PC refresh in March. We'll be receiving brand new
16 Dell computers. They have the larger landscape
17 screen. We also have worked with EEOC and HUD to
18 enable their systems, IMS in Employment and TEAPOTS
19 for Housing, to be able to work with the new systems
20 that are being implemented within our division. And
21 we have accomplished that also, and like I say,
22 they're scheduled to be refreshed in March, and we're
23 looking forward to that.

24 That concludes my presentation. I did
25 want to thank you-all once again for the -- on behalf

1 of the staff yesterday for yesterday's luncheon. We
2 appreciate it, and staff appreciates it, also, and
3 we've received some positive comments from staff and
4 I'd like to, on behalf of the staff, thank you-all
5 very much.

6 And at this point in time, that
7 concludes my abbreviated report and see if you have
8 any questions.

9 COMM. KHALIFA: On behalf of the
10 Commission, we're only happy to do it because of all
11 of you-all's hard work.

12 MR. GOMEZ: Thank you. Appreciate that.

13 CHAIRMAN ANDERSON: Thanks,
14 Commissioner.

15 The computer system, there's not going
16 to be any -- I guess you can address this when we talk
17 about financing, but there's not going to be any
18 downtime as a result of the transition. It's all
19 internal. So system -- it will be seamless as far as
20 the system is concerned.

21 MR. GOMEZ: My understanding is it's
22 done during the weekday; so we shouldn't experience
23 any downtime on that. The downtime that we were
24 thinking that we were going to have was the
25 compatibility of the systems to -- like I stated

1 before, in Employment with EEOC, their IMS system, and
2 with HUD, with the TEAPOTS system, but we have managed
3 to work that out to work, be compatible to the system.

4 CHAIRMAN ANDERSON: Ready for finances?

5 MR. GOMEZ: And now I'd like to bring
6 Daryl up then, if there's no questions for me. Daryl
7 will give the report on the CRD's budget.

8 MR. STEGLICH: Good morning, Chair
9 Anderson, Commissioners. For the record, my name is
10 Daryl Steglich with TWC Financial Department, and I'll
11 present you with some financial information regarding
12 the 2008 expenditures for the Civil Rights Program.

13 On the first slide, most of this work,
14 the salaries, is working linearly. We have some
15 increase in travel through the months. My
16 understanding is that that's the -- is the result of
17 some travel related to the Katrina Project, in-state.

18 In "Other Operating," we have an
19 increase from between October and November. This --
20 since expenditures aren't linear in nature, we have
21 some -- early in the year, we have some one-time
22 expenditures that occur during the months; so that's
23 the reason for that.

24 As far as the expenditure rates, they
25 appear to be -- appear to be working within

1 tolerances, and I'll talk about that a little bit
2 further along.

3 The second slide is a comparison of
4 Fiscal Year 2007 to 2008 through the end of November.
5 The salaries are pretty much the same from this year
6 to last year. There's a slight -- there are slightly
7 less average FTEs for the quarter in this fiscal year,
8 2008. So there's a little less expenditure even with
9 the 2 percent increase that happened in September.

10 Travel -- as I alluded to earlier,
11 travel is a little bit higher based on the Katrina
12 Project over the normal amounts of travel that are
13 expected.

14 Benefits increased a little bit even
15 though the salaries were lower. It has to do with the
16 insurance -- changes in insurance as of September 1st.

17 The next slide, as far as the budget
18 goes, in total, you have a \$2.5 million budget.
19 Currently, you've spent a little over a half a million
20 dollars. Through 25 percent of the year, you have
21 expended 22.3 percent of the budget through the end of
22 November.

23 If you have questions, I'll be glad to
24 address those at this point in time.

25 CHAIRMAN ANDERSON: Yes. On the cost of

1 goals, in the -- cost of closed cases compared to the
2 goals, the report -- and I mentioned to Gene and to
3 Robert that I was going to bring this up. If we are
4 closing cases and the budget or the goal is \$800 -- or
5 \$1,000 per case -- I don't know what the exact numbers
6 are -- and we are closing them at \$800 a case, why in
7 the heck are we at 70 percent or 80 percent goal when
8 we should be at 120 percent? Because we're doing much
9 better than the goal is in attaining -- I mean, we're
10 coming in under the goal. I don't understand the
11 dynamics and why it's reported that and why it's
12 reported as such. Does that make sense? Did
13 everybody understand what I'm driving at?

14 It's a goal that we record on the -- I
15 guess the monthly meeting or weekly meeting to the TWC
16 as far as LBB goals, I believe.

17 MR. CRUMP: For the record, Gene Crump,
18 Deputy Executive Director. Good morning,
19 Commissioners.

20 Let me kind of talk through this. I
21 believe we're talking about the average cost per case
22 closed.

23 CHAIRMAN ANDERSON: Correct.

24 MR. CRUMP: That is an LBB measure,
25 Legislative Budget Board measure.

1 Chair Anderson, I'd have to go back and
2 look at how we're reporting it in the Automated Budget
3 Evaluation System of Texas. In referring to the
4 document that Robert just gave me, which is our
5 internal report, we can certainly show that any way we
6 would like. From a legislative perspective, what
7 happens, you have a tolerance factor of plus or minus
8 5 percent around any average cost factor or any other
9 measure that we have.

10 If you were to attend our quarterly
11 performance measure meetings when we talk to our
12 Commissioners -- I mean, this is something we talk
13 about quite frequently. The Commission needs to look
14 at that, obviously, as a positive in terms of
15 efficiency of Robert's staff. How we report that is
16 you're meeting or not meeting performance if you stay
17 within that 5 percent range. If you think about it
18 from the budget perspective, if you budgeted and
19 closed cases at \$800 a month, then the LBB, the
20 Legislative Budget Board, in reporting to the
21 Legislature, gives you a 5 percent tolerance. If
22 you're outside that tolerance factor, then they will
23 then begin to ask questions, you know, "What's
24 happening? Do you have extra money," those kinds of
25 things.

1 CHAIRMAN ANDERSON: I'm talking about
2 the tolerance. What I'm talking about is the fact
3 that the numbers seem to be an inverse proportion to
4 what we're actually accomplishing. We are closing
5 cases -- and that's a negative -- closing cases at
6 less cost than is budgeted, and, yet, the number
7 reflected appears that we're doing worse, because
8 we're not at 100 percent, we're at 80 percent,
9 90 percent. That seems to be backwards to what we're
10 accomplishing as a team down there.

11 COMM. KHALIFA: I agree with you.

12 MR. CRUMP: Commissioner, on your report
13 here, Robert can show that you would be -- I guess it
14 would be you would be at approximately 112 percent of
15 target. Does that make sense? In other words, what
16 I'm looking at here, it shows 88 percent. So if
17 you're operating at 946 versus 1,000, you can show it
18 on your internal report at 118 percent. I mean --

19 (Simultaneous discussion)

20 MR. CRUMP: Exactly.

21 COMM. KHALIFA: Instead of it you're
22 dividing --

23 MR. CRUMP: And I can help Robert with
24 that.

25 CHAIRMAN ANDERSON: Whatever the report

1 needs to be. I mean, after looking at it and
2 discussing it, I understand that we're doing better
3 than performance, but it doesn't appear to be. In all
4 other measures, if we're at 70 percent, TWC and us
5 will be rightly knocking on his head saying, "What the
6 heck is going on? You're not closing cases at a rate
7 that's going to get you to where you're going to want
8 to be at the end of the year." That's -- the same
9 analysis. I look at the cost, and, in fact, we're
10 actually doing better, not worse.

11 MR. CRUMP: Chair Anderson, I completely
12 agree. And this is a discussion that happens at our
13 Quarterly Performance Measure Meeting with TWC
14 Commissioners.

15 CHAIRMAN ANDERSON: I think I
16 understand. I think all the other Commissioners
17 understand now, but --

18 COMM. KHALIFA: You want it shown and to
19 show that we're doing better, not -- and we're better
20 than our targets instead of showing that we're not.

21 MR. GOMEZ: As kind of Gene alluded to,
22 I think it's just the way that we're reporting it on
23 here. We can certainly look at that and then work
24 with Budget. I believe we do get this information
25 from Budget. We'll work with Budget on that and see

1 if we can report it showing a positive.

2 MR. CRUMP: Commissioner, one caveat.
3 I'd like to go back and say that when it's reported to
4 the Legislative Budget Board through their automated
5 system, it will still show an 88 percent, because
6 that's the way they'll calculate it. We recognize, as
7 reasonable people, that that does not make -- I am
8 here to tell you that I understand you that that does
9 not make sense in terms of if you're looking at
10 productivity and efficiency.

11 COMM. KHALIFA: Do they look at it that
12 way? Do they know to look at it that way?

13 MR. CRUMP: They certainly do.

14 COMM. KHALIFA: Do they see an
15 88 percent and you're more than 5 percent away?

16 MR. CRUMP: Let me answer that two ways,
17 Commissioner.

18 From one perspective, they're looking to
19 see from your budget, "Are you staying within
20 targets?" They will look at it from a holistic
21 approach. In terms of the way the budgets are set up,
22 you have what's called an explanatory measure that
23 talks about the universe that you're serving. You
24 have an efficiency measure, an average cost. You have
25 an output measure, the actual number that you do.

1 Then you have an outcome measure, the effectiveness of
2 the program.

3 So the LBB, when they report that to the
4 Leg., looks at it holistically. If they see you're
5 closing more cases on average than you did in the past
6 year with the same number of people at a lesser cost,
7 they're going to assume that your training efforts --
8 or they will ask us, "Why are you doing that?" We
9 would respond, "Through training, more seasoned
10 investigators." We would focus on the positives that
11 allowed us to accomplish that -- or in this case,
12 Civil Rights to accomplish that.

13 But they would ask us those questions
14 and we would provide those responses.

15 CHAIRMAN ANDERSON: Again, if the
16 numbers matched up to what's actually happened, that
17 would make it self-evident.

18 MR. CRUMP: Yes, sir.

19 CHAIRMAN ANDERSON: Okay. Please,
20 Daryl.

21 MR. STEGLICH: Okay. Any other
22 questions?

23 (No response)

24 MR. STEGLICH: If not, that concludes my
25 presentation.

1 Thank you.

2 CHAIRMAN ANDERSON: Cubicles. Somehow
3 we need to see if we can't provide a little more
4 privacy for the employees conducting these
5 investigations. I know money is tight, but we need to
6 work it out in the 2008 budget that we replace the
7 4-foot with the 5-foot or 5-1/2 or whatever.

8 Sell the old ones. We can get some
9 revenue there, and then the cost will be incrementally
10 just that extra foot.

11 MR. CRUMP: Commissioner, that's an
12 excellent suggestion, but you're not allowed to do
13 that, for the record.

14 (Laughter)

15 CHAIRMAN ANDERSON: But, I mean,
16 somebody can use them, and at some point, we -- during
17 this fiscal year -- Mr. Henry suggested it. I've
18 suggested it, and I think we need to find the dollars.
19 And I think Mr. Temple is in agreement, too. I don't
20 want to speak for him. He's not here, but I believe
21 my conversation with him indicated that he would be in
22 support of that also.

23 MR. GOMEZ: It is going to be for the
24 benefit of the staff -- this is Robert Gomez, Division
25 Director, for record. I agree with it, also,

1 whole-heartedly, 100 percent. The one thing that I
2 would like to state is that the expenditure,
3 initially, that we had for these dividers or cubes --
4 we did not have an expenditure because these cubes
5 were provided to us from the warehouse as they were
6 not being used and we got to use them. If we --

7 CHAIRMAN ANDERSON: It would be a
8 revenue source, then, if we sold them.

9 (Laughter)

10 CHAIRMAN ANDERSON: Go ahead.

11 MR. GOMEZ: I'll let Gene address that,
12 but from my standpoint, we did get a cost estimate
13 last year, because we looked at this last year, and it
14 was approximately \$36,000 just to add on to the top of
15 these cubes in what was a net -- an addition of 12,
16 15 inches -- 15 inches. And so either we can expend
17 any carry-over or possible carry-over that we have,
18 or -- if we can afford it, we can expend the -- make
19 the expenditure for the raising of these cubicles or,
20 which is my preference, is in looking at possibly
21 providing one-time merits or one-time bonuses to the
22 staff.

23 So that's where I stand on that. And if
24 we want to actually show and get something on there
25 that is visible that we're doing for staff, we can go

1 that route or opt to utilize that money for one-time
2 merit raises or bonuses.

3 CHAIRMAN ANDERSON: I don't know about
4 mutually exclusive. I mean, we had carry-over last
5 year and we can kick this thing down the road until it
6 never gets done. I want it done. Speaking for
7 myself -- the other Commissioners may not agree, but
8 we've talked about it for the last couple of years.
9 The employees have said they would like to have it.

10 COMM. WIPF: How costly is it if we do
11 an actual build-out as opposed to using the old
12 cubicles? Has anybody looked into that, constructing
13 actual cubicles?

14 MR. CRUMP: Commissioner -- again, Gene
15 Crump for the record. Our estimate to provide taller
16 cubicles is going to run about \$40,000.

17 COMM. WIPF: So it's only \$4,000
18 difference?

19 MR. CRUMP: \$40,000.

20 COMM. WIPF: 14?

21 MR. CRUMP: Four -- four, zero.

22 COMM. WIPF: Oh. 440?

23 MR. CRUMP: 40,000. Four, zero.

24 COMM. WIPF: And adding --

25 COMM. KHALIFA: So only \$4,000 more than

1 extending them --

2 MR. CRUMP: I'm sorry. Let me start
3 again.

4 40,000. 10, 20, 30, \$40,000.

5 COMM. KHALIFA: I understand. He said
6 36,000 to extend them another 15 inches. You're
7 saying 40,000 to replace them.

8 MR. CRUMP: It's the -- I'm sorry.
9 We're talking about the same thing. The 36,000 was an
10 earlier estimate.

11 MR. GOMEZ: To do the same thing, to
12 extend them up.

13 MR. CRUMP: And you don't -- you can't
14 extend cubicles. You have to replace them. There's
15 not an extension. Robert was just using it to say if
16 we're trying to raise the height. You can't add a
17 piece to them. You have to replace the entire panel.

18 Commissioners, if I could provide some
19 facts, and since I've spoken to you-all before, you
20 know that I'm fairly fiscal conservative.

21 Obviously, we recognize the budget is a
22 zero-sum gain. I can't speak for Mr. Temple. It's
23 certainly something that had been raised earlier about
24 providing more confidentiality by having additional
25 cubicles. So in terms of looking at the budget -- and

1 it's something that I've been tracking -- as you look
2 towards the end of the year, on a straight-line
3 projection, there would be dollars left over. Robert
4 is correct, you are -- if you -- if we expend dollars
5 now for cubicles, those dollars certainly come off the
6 top. The additional dollars that we're talking about
7 are really from lapsed salaries. That's where the
8 largest percentage of dollars would come to fund that.
9 Because of -- Daryl had talked about healthcare costs
10 and increases. There's a mandatory 2 percent salary
11 increase that we'll have to focus on next year. The
12 Commission has to decide at what time it's best to buy
13 cubicles.

14 I would offer that something that I
15 share with the executive team is a quarterly exit
16 survey that's run by the State Auditor's Office. The
17 number one issue with state employees is pay. We
18 certainly recognize that. However, having said that,
19 we have a great benefits package. I mean, so you have
20 to weigh the two together. So those would be things
21 that I would offer to the Commission as factors.

22 There appears to be money available to
23 buy the cubicles, but in terms of additional dollars
24 for anything else such as merits or additional travel
25 or those kind of things, it would be an offset. So

1 that would be for the Commission's decision as to
2 what's best.

3 COMM. KHALIFA: We don't know how many
4 dollars are going to be left over. Right?

5 MR. CRUMP: Sir, again, a quick and
6 dirty projection that I did would estimate that -- on
7 a stright-line projection, all things being equal, you
8 may have as much as 60,000 available as we -- relative
9 to the budget if we continue to close cases at the
10 current rate at the end of the year.

11 COMM. KHALIFA: Okay. So if we use
12 40,000 for cubicles, then we'll have 20,000 left over
13 for merit pays, for travel, for whatever we want to
14 use it for.

15 MR. CRUMP: Yes, sir, all things being
16 equal.

17 COMM. MICHALKA: Has anybody -- we got
18 these cubicles that are being used now from the
19 warehouse.

20 MR. CRUMP: Let me explain how that
21 works.

22 COMM. MICHALKA: Yes. I was going to
23 say "Has anyone gone back?"

24 MR. CRUMP: That operation falls under
25 me also.

1 So when we were able to move CRD into
2 the Trinity Building, those -- what happens is as
3 either we downsize or one of the departments has
4 additional dollars and buys new cubicles, we certainly
5 look -- all of that is now surplus property within
6 State. So that -- it runs through our warehouse and
7 we evaluate it. If they're very, very good -- and it
8 could be desks, it could be cubicles. It could be
9 anything. If the items are in good condition, we
10 certainly store them, and then they're free to come
11 back to any division that would like them later.

12 Tall cubicles are certainly a premium.
13 We're talking about confidentiality. We run the
14 Unemployment Insurance Program. We talked to TANF
15 recipients, Child Care recipients. So as divisions
16 buy new cubicles, they tend to buy tall cubicles. If
17 the cubicles are in good shape and they're
18 restructuring, they use them within their department
19 and they do not surplus them. Very, very seldom do we
20 receive tall cubicles in warehouse. So if some were
21 to come available, we'd certainly make them available
22 to Robert. We just very seldom get them.

23 COMM. JAMES: At the risk of making a
24 suggestion that may create more problems for the
25 Executive Director than they will solutions, perhaps

1 half or a third cubicles this year and we'll see what
2 happens next year. The good news is, I don't have to
3 decide who gets them. You do. And so I'll leave that
4 with you. But maybe that's something of a middle
5 ground that we can just start making progress toward,
6 because I have a little extra sensitivity to payroll
7 than I might cubicles. So I kind of fall in the same
8 category. I'd rather raise somebody's pay than raise
9 a cubicle 15 inches, but I know both are required. So
10 that would be my suggestion.

11 MR. GOMEZ: We certainly can look at
12 that.

13 CHAIRMAN ANDERSON: You know, we can do
14 it at the end of the fiscal year and the beginning of
15 the following year -- you know, the beginning of the
16 next fiscal year and we could get them all
17 accomplished at the same time but maybe have them
18 coming out of -- possibly coming out of two different
19 fiscal year budgets.

20 MR. CRUMP: Oh. Most definitely, sir.

21 COMM. KHALIFA: But then you won't have
22 money the next fiscal year to do the same.

23 CHAIRMAN ANDERSON: We don't know. If
24 they close cases greater than as projected, then
25 they'll have extra income from HUD or -- probably from

1 HUD, because it won't come from the Employment side.

2 MR. GOMEZ: Yes, sir.

3 CHAIRMAN ANDERSON: That was probably
4 more discussion than we needed --

5 (Laughter)

6 CHAIRMAN ANDERSON: -- on cubicles.

7 Anything else from financial? Is there
8 anything we need to talk about?

9 COMM. WIPF: Yes. I'm deferring the
10 prospective trip to Los Angeles and put it in the
11 queue to buy the cubicles or build the cubicles.
12 That's my answer.

13 (Laughter)

14 CHAIRMAN ANDERSON: Thank you, Daryl and
15 Gene.

16 Is there anything else, Gene, that
17 you -- or you're free to go, if nothing else.

18 MR. CRUMP: No, sir, Commissioners.

19 Going back to PC refresh, I think what
20 Robert was talking about, we're installing the new
21 Vista operating system. You may have heard about
22 that. So that would be the compatibility issues we're
23 working through.

24 CHAIRMAN ANDERSON: Okay.

25

1 AGENDA ITEM NO. 4

2 MR. GOMEZ: Okay. Now Vickie Covington,
3 who is manager for Investigation Team 1, will report
4 on the Employment side of the house.

5 CHAIRMAN ANDERSON: The highlights.
6 Right?

7 (Laughter)

8 MS. COVINGTON: Good morning,
9 Commissioners, TWC staff and guests. For the record,
10 my name is Vickie Covington, manager, Investigation
11 Team 1. And this morning, I will share with you our
12 employment performance over the last quarter.

13 This slide shows our pending case
14 inventory, along with the cases filed and cases
15 closed. We had 281 cases filed this quarter, and
16 that's the September through November time frame. We
17 closed 331; plus, two were waived back to EEOC, which
18 we also count as closures, and our ending inventory
19 was 459 cases.

20 We have seen an increase in cases being
21 filed. For example, the month of November, we
22 received over 121 cases that were filed. December,
23 the cases were down, and we believe that was because
24 of the holiday season. So we're not real sure what's
25 going to happen with the cases being filed with the

1 economy; so there's a potential that we could see an
2 increase in our inventory.

3 Are there any questions?

4 (No response)

5 MS. COVINGTON: Next slide.

6 I just wanted to point out on this
7 particular slide the type of case closures. We
8 actually had almost 15 percent that were closed with a
9 favorable resolution to the complainant, and that's in
10 the no-fault settlement category and also in the
11 withdrawals with settlement category.

12 Are there any questions?

13 (No response)

14 MS. COVINGTON: And this slide shows the
15 cases closed by a select category. We have seen trend
16 of -- when we compared the numbers for last quarter,
17 September through November with September through
18 November of '08, our age closures were actually down
19 and our disability and Title VII closures were
20 actually up.

21 Are there any questions?

22 (No response)

23 MS. COVINGTON: This shows our
24 disability closures, and quite a high percentage of
25 these were closed as favorable resolution to the

1 complainant, particularly with the withdrawals with
2 settlement at 20 percent. And the total merit
3 resolutions is 25.71 percent for our disability cases.

4 Are there any questions?

5 (No response)

6 MS. COVINGTON: And for our age
7 closures, approximately 8.7 percent of those were
8 closed with a favorable resolution to the complainant.

9 Any questions?

10 (No response)

11 MS. COVINGTON: And our Title VII
12 closures were closed with approximately 12.62 percent
13 with a favorable resolution to the complainant.

14 Next slide.

15 This shows the age of our pending
16 Employment cases. We've continued to focus on those
17 cases that have been in our inventory for 300 days or
18 more, and, presently, we have 12 cases, and all but
19 one of those cases are cases that were transferred to
20 us when we were receiving cases from the EEOC, and the
21 cases, when we received them, were well over 100 days.

22 Are there any questions?

23 CHAIRMAN ANDERSON: So we're doing the
24 same thing we've done in the past where we're, you
25 know, focusing on those greater-age cases and trying

1 to get them resolved and off the inventory.

2 MS. COVINGTON: Right, the age cases and
3 also the ones that have a potential for cause, those
4 are the ones we're focusing on.

5 Are there any other questions?

6 CHAIRMAN ANDERSON: I guess both you,
7 and Alice and Robert, how is the -- the first quarter,
8 how is the combining of the Employment and Housing
9 cases as one matrix working?

10 MR. GOMEZ: In as far as the reporting
11 against the LBB measures -- target measures, it's very
12 favorable to CRD, because, as I mentioned before, as
13 of December, the end of December, with 33.33 percent
14 completed -- completion of the fiscal year, we are at
15 36.88. So it shows quite favorable towards CRD in
16 combining those -- the cases.

17 CHAIRMAN ANDERSON: You don't see any
18 reason why that trend won't continue for the remainder
19 of the fiscal year, I assume.

20 MR. GOMEZ: What trend is that, Chair
21 Anderson?

22 CHAIRMAN ANDERSON: Completing greater
23 than the goal.

24 MR. GOMEZ: Oh. Right off, the only
25 area would be in our Housing primary investigator

1 situation where we have fairly new Housing
2 investigators. Currently, we do have the managers and
3 the supervisors assisting in closing Housing cases.
4 But, also, in the Housing area, where Alice, the
5 manager for Team 2 will probably go into a little bit
6 of detail, is the fact that we do concentrate more on
7 the age cases in the Housing area.

8 So in saying that, hopefully the trend
9 will continue. As I stated before, we are fully
10 staffed. We have a couple of staff members that are
11 still in their learning curve. When we mention
12 "learning curve" for CRD, we mention a six-month
13 period, but, really, to get into the investigative
14 process, to really get knowledgeable into the
15 investigative process, it usually takes anywhere from
16 a year to 18 months.

17 So we're looking at the production to
18 stay at this level and to be ahead of the target, and,
19 hopefully, if we don't have additional staff turnover,
20 we can stay ahead of the curve.

21 MS. COVINGTON: Any other questions?

22 COMM. JAMES: I have one quick question.

23 You made a comment about the economy and
24 its potential impact. Can you expand on that a little
25 bit?

1 MS. COVINGTON: No, Commissioner.

2 (Laughter)

3 MS. COVINGTON: Well, I might -- I guess
4 with the unemployment rate increasing slightly, that
5 might have an impact on the number of cases that we're
6 receiving.

7 Over the last month -- I've been looking
8 at the cases as they were coming in, and it does
9 appear that people are being terminated and laid off
10 in, maybe, higher numbers.

11 COMM. JAMES: I would imagine,
12 historically, if the unemployment rate is high, our
13 work is much greater.

14 MR. GOMEZ: It seems to follow the
15 curve, because they cite discriminatory practices or
16 discriminatory reasons as to why they were laid off,
17 terminated or downsized.

18 MS. COVINGTON: Any other questions?

19 (No response)

20 CHAIRMAN ANDERSON: Thank you.

21 MS. COVINGTON: I will be followed by
22 Alice MacKenna, manager, Investigation Team 2.

23 AGENDA ITEM NO. 5

24 MS. MacKENNA: Thank you, Vickie.

25 Good morning, Chair Anderson, Commission

1 and staff. For the record, my name is Alice Wilson
2 MacKenna, manager with the CRD.

3 Slide one -- and I can be brief.

4 Our inventories remain quite steady for
5 the first quarter of FY '08 at 141 cases. However, as
6 you can see, we are closing fewer complaints than we
7 are receiving. So as of today, our inventory is at
8 161.

9 Any questions?

10 (No response)

11 MS. MacKENNA: Next slide, please.

12 The majority of our cases are closed
13 after completion of full investigation. This is
14 represented here under the no cause findings or
15 charges issued. We've issued no charges this year.
16 However, we currently have five cases with the AG's
17 office and nine more potential cause cases that
18 conciliation is being attempted prior to charge being
19 issued. Additionally, I have a case on my desk right
20 now that is a potential cause case, and we're waiting
21 to have a discussion with Regulatory Division of TWC
22 on that case.

23 Not issuing charges is not in and of
24 itself a bad thing. As mandated under the statutes,
25 conciliations attempted in a majority of the cases,

1 the parties believe entering into a conciliation
2 agreement is far better than a prolonged court case.
3 So we do consider it a notification, hence the charge
4 is not being issued.

5 Questions?

6 CHAIRMAN ANDERSON: And Mr. Sweeney is
7 very happy with us. Right?

8 (Laughter)

9 MS. MacKENNA: He hasn't led me to
10 believe otherwise.

11 (Laughter)

12 CHAIRMAN ANDERSON: The legal issue is
13 significantly higher than it was in 2006, a little bit
14 higher than it was in 2007. Does that go to the
15 comments you just had, that -- concerning the legal?

16 MS. MacKENNA: I'm sorry. I didn't hear
17 you.

18 CHAIRMAN ANDERSON: The legal -- your
19 last thing under "Age of Pending" cases, the legal
20 issue, 14. There's only 5 in 2006. So it's up quite
21 a bit. What was the reason for that?

22 MS. MacKENNA: We had en masse cases
23 filed from a FHIP agency, and when those were being
24 investigated -- they were design and construction
25 cases -- we found that there were some cause cases --

1 potential cause cases there. That's what's increased
2 the legal issues right now.

3 CHAIRMAN ANDERSON: And those are all --

4 MS. MacKENNA: Those are the ones that
5 we're attempting to conciliate.

6 CHAIRMAN ANDERSON: Okay. They have
7 not -- they've gone RID then.

8 MS. MacKENNA: Yes, they have. The only
9 one that hasn't at this point is the one that's on my
10 desk.

11 Questions?

12 (No response)

13 MS. MacKENNA: Slide Number 3, this
14 slide, I believe, best represents our progress with
15 the handling of our case inventory. Although our aged
16 cases is still too high, you can see that they are
17 substantially lower than either of the two preceding
18 first figures.

19 Questions?

20 CHAIRMAN ANDERSON: Housing is difficult
21 to get trained on. So the new investigators, are they
22 progressing satisfactorily through the training aspect
23 of the Housing cases? What do they have? Eight
24 Employment cases and three Housing cases per month.
25 Is that what the standard is?

1 MR. GOMEZ: The Housing primary
2 investigators that we do have -- we have three in each
3 of the teams, and the Housing primary investigators,
4 their performance standard is to close five Housing
5 cases and one Employment case per month.

6 CHAIRMAN ANDERSON: The Employment side
7 is what?

8 MR. GOMEZ: The Employment, we have four
9 investigators that are Employment primary in each
10 team, and they are required to -- performance
11 standards call for a closure of eight Employment cases
12 and one Housing case.

13 And to answer your question, yes,
14 these -- I believe the investigators are progressing
15 positively. Any opportunity that we have to send them
16 to training -- and I think Alice will go into this, as
17 far as the academy is concerned, as far as the
18 training offered by the regional office and as far as
19 any other training that HUD offers -- there's a
20 training coming up on the 31st that we are sending our
21 staff to. It's a one-day training being offered to us
22 at no charge; so we are taking advantage of that and
23 sending the majority of our Housing primary
24 investigators to that. And I'll let Alice elaborate
25 on that.

1 CHAIRMAN ANDERSON: Closing one Housing
2 case a month, is that enough to maintain the
3 proficiency in the Housing area?

4 MR. GOMEZ: Proficiency in regards to?

5 CHAIRMAN ANDERSON: Closing housing
6 cases. You know, investigating, looking them up and
7 closing them.

8 MR. GOMEZ: I would say yes.

9 As far as the Employment primary
10 investigators?

11 (No verbal response)

12 MR. GOMEZ: Yes, sir.

13 CHAIRMAN ANDERSON: And one --

14 MR. GOMEZ: Because it's not only
15 closing the one Housing case. They do have to carry
16 an inventory in order to be able to close one Housing
17 case. They carry an inventory of -- how many, Alice?

18 MS. MacKENNA: Six.

19 MR. GOMEZ: Six. So they're carrying an
20 actual inventory of six and their performance measure
21 or performance standards call for them closing one
22 Housing case per month.

23 MS. MacKENNA: Okay. Next slide.

24 As mentioned before, the National Policy
25 Conference this year is going to be April the 8th

1 through April the 12th in Atlanta, and it also marks
2 the 40th anniversary of the passing of the Fair
3 Housing Act. And the conference, as I said, will be
4 held in Atlanta.

5 Additionally, Region 6, which is the HUD
6 region TWC CRD falls under, will probably be having
7 some regional training, and this will be held in Fort
8 Worth. No date has been set for this training, but
9 I'm suggesting that it's going be after the policy
10 conference. And talking to Gary this morning, he's
11 saying the same thing. No dates yet for that
12 conference nor for that training.

13 Although the policy conference is being
14 held during Fair Housing Month, we have been
15 approached by one of the FHIP agencies, the Board of
16 Fair Housing and Economic Justice Center in El Paso,
17 to partner with them on a Fair Housing summit that
18 they will be, again, sponsoring in April, and it will
19 also mark the first anniversary of their new office
20 down in the Valley. So they're expanding as well.
21 They have asked us to be a part of that.

22 MR. GOMEZ: Yes. And also in regards to
23 the first anniversary celebration out there in the
24 Valley, the director for the El Paso board of Fair
25 Housing and Economic Justice Center has requested that

1 possibly Commissioner Wipf attend that as a speaker in
2 celebration of their first anniversary office opening
3 up in the Valley. And then they're going to move the
4 conference to El Paso, I believe, for a two-day
5 conference in El Paso as they usually hold every year
6 during the month of April.

7 MS. MacKENNA: As Robert mentioned, we
8 are sending some investigators to a one-day training
9 in Dallas on the 31st of January. It's the
10 accessibility first training. Several of our
11 investigators have already been to this training. It
12 is very technical, but it does help for a good
13 overview of the Fair Housing Act. And HUD has
14 contracted with the company to put this training on,
15 and they have been doing it now for three, four
16 years -- three or four years, and so we will be having
17 three or four investigators going to that training on
18 the 31st.

19 Additionally, we have three
20 investigators attending the Fair Housing Academy the
21 week of February the 11th, and we have six
22 investigators that will be attending Week 2 of the
23 academy and three will be attending Week 3 of the
24 academy throughout this fiscal year.

25 This will give us a total of 12 people

1 attending, which is mandated by our cooperative
2 agreement, but listening to Vanessa's presentation
3 this morning, I'm thinking that maybe we can be
4 sending more people if the IAOHRA-NAHRW Conference is
5 here in Austin. Because they're putting on the
6 academy, there won't be a cost to the Division at that
7 time.

8 MR. GOMEZ: That's one of the positives
9 that I pointed out to having the IAOHRA Conference,
10 although it will be reflected next fiscal year in
11 September. That will give us an opportunity to send
12 more of our investigators if they do -- especially if
13 they bring all the classes for the academy along with
14 their conference to be held here in Austin, hopefully.

15 COMM. JAMES: Mr. Khalifa also suggested
16 that that would be a good time to have our -- one of
17 our quarterly meetings as well so that we're all here
18 at the same time.

19 CHAIRMAN ANDERSON: That's not a bad
20 idea.

21 What are those dates again?

22 COMM. JAMES: They hadn't pinned them
23 down.

24 (Simultaneous discussion)

25 CHAIRMAN ANDERSON: I mean, what's our

1 date?

2 COMM. MICHALKA: October 16th. 15th or
3 16th.

4 CHAIRMAN ANDERSON: If Becky and Robert
5 would remember this discussion, because I probably
6 won't --

7 (Laughter)

8 CHAIRMAN ANDERSON: -- to change the
9 date of the quarterly meeting to reflect this. And,
10 hopefully, we'll get enough information ahead of time
11 that -- well, they'll have to to set hotels and
12 things.

13 MS. MacKENNA: If there are no further
14 questions, I will hand it over to Tony Robertson,
15 manager for Training and Monitoring and ADR.

16 CHAIRMAN ANDERSON: Thank you.

17 MS. MacKENNA: Thank you.

18 AGENDA ITEM NOS. 6 AND 9

19 CHAIRMAN ANDERSON: Tony, you can go
20 ahead and address 6 and 9 if you want to.

21 MR. ROBERTSON: Say again.

22 CHAIRMAN ANDERSON: You can address
23 Items 6 and 9 of the agenda if you'd like.

24 MR. ROBERTSON: For the record, Tony
25 Robertson, Training and Monitoring, ADR, IT, Texas

1 Workforce Commission Civil Rights Division.

2 The following slides basically -- I hope
3 you-all have had an opportunity to take a look at
4 those, and I'll be very brief on them.

5 Basically, dealing with ADR, for the
6 first quarter year-to-date, we've closed 69. But as
7 of December -- the end of December, we're right at 89
8 cases closed in ADR, which is an outstanding move on
9 our staff. They're doing an outstanding job. And
10 we're right at a little over 580,000 in settlements as
11 well.

12 Next slide.

13 Once again, EEO training --

14 CHAIRMAN ANDERSON: Let me ask you about
15 the ADR. The report -- there seems to be a
16 significant difference between some of the mediators
17 and the case closures. Is there any particular reason
18 for this?

19 MR. ROBERTSON: Which particular report
20 would you be talking about, Chair?

21 CHAIRMAN ANDERSON: The ADR.

22 MR. ROBERTSON: Oh. Absolutely. What
23 I've given you guys is an updated version on that.

24 Let me back up. The new fiscal year
25 brought new challenges for the ADR team as well as for

1 Team 1 and Team 2 on looking at our expectations of
2 our staff. One of the key things that happened with
3 that through our conferences and meetings with Mr. Bud
4 Henry were that we were looking at rolling quarterly
5 average for our staff, and that's what you're seeing
6 there.

7 The mediators are now required to close
8 5 cases a month. With that -- that's a rolling
9 average that they can do. So if you have a mediator
10 closing 4 in one month, 19 in another month and then 2
11 another month, well, he's met his average -- or she
12 has met their average of 15 per quarter. So that's
13 what that is indicating. That's what that's telling
14 you. And that's how they're now evaluated, based on a
15 rolling quarterly evaluation and expectation that I've
16 set for them, as well as our director.

17 I hope that answers your question.

18 (No verbal response)

19 MR. ROBERTSON: Moving on to the next
20 slide, the number of EEO workshops conducted, as you
21 know, when we began the fiscal year, the majority of
22 our trainings happened and our requests for trainings
23 happened prior to the end of the -- of a new year, and
24 at that point, you're looking at a total of -- I can't
25 read this that's in front of me. So give me just a

1 moment.

2 (Brief Pause)

3 MR. ROBERTSON: You're looking at a
4 total of seven for the year-to-date that were
5 requested by agencies and institutions of higher ed.
6 Requested by private employers was zero. And, once
7 again, trainings per Section 21.556 were zero as well.

8 And I have to, once again, premise that
9 by: Most of our training requests happen during the
10 end of a new fiscal year when budgetary issues happen
11 for those institutions and state agencies that allot
12 that money aside and look at where they are on the
13 complaints that they have received from us as well,
14 and that's where we get the majority of our trainings.

15 I do want to say, before I go on to the
16 next slide, one of the key things that Mr. Gomez
17 brought up on one of his particular points on the
18 Director's Report is a potential cause that has taken
19 place on an EEOC or Employment case put on by Team 1,
20 Ms. Covington's staff member, that -- is asking that
21 the total 1,400 employees be trained, and we've been
22 tasked to take that challenge and we look forward to
23 that challenge.

24 They're located in three different
25 cities within the state of Texas, and, at present,

1 we're working that out with their attorneys and with
2 their staff to see how we can accommodate all of those
3 1,400, because they're looking at 1,400 total staff to
4 be EEO trained by not only the best but definitely the
5 top training division in the state of Texas. Thank
6 you.

7 (Laughter)

8 MR. ROBERTSON: Next slide, please.

9 EEO and Housing presentations
10 conducted -- are there any questions there -- 15
11 year-to-date for number of EEO presentations and 9 for
12 the number of Housing.

13 Next slide, please.

14 Individuals at events, once again we're
15 looking at EEO trainings that we've conducted per
16 statute. 111 have been trained, year-to-date.

17 Presentations, we're looking at a little
18 over 2,300 individuals, and for individuals for
19 Housing presentations as well, a little over 650
20 individuals.

21 Next slide, please.

22 Personal policy -- personal policy and
23 reviews, year-to-date, we have conducted five on-site
24 reviews. It shows here year-to-date of one, but, in
25 actuality, we have a total of four that have been

1 certified and approved through our certification as of
2 December. We're continually conducting two to three
3 policy reviews per month through this fiscal year, and
4 we do have four of those that have been, once again,
5 certified.

6 CHAIRMAN ANDERSON: What's the goal on
7 those?

8 MR. ROBERTSON: Our goal this year is
9 31.

10 CHAIRMAN ANDERSON: And you're going to
11 get there with five per quarter?

12 MR. ROBERTSON: Well, it's a cumulative
13 number, once again, Chair; so we always meet that
14 goal. We always meet that performance measure.
15 Because, basically, we have to allow the time for the
16 policy reviews to be conducted to fruition. We have
17 to give them that 60-day time frame so there can be
18 any type of corrective actions or any changes that we
19 may see through those trainings. And then a lot of
20 these are going to be out-of-town travels. We're
21 dealing with a lot of institutions of higher ed this
22 fiscal year; so they will be a lot of our time frame.

23 CHAIRMAN ANDERSON: Why don't we have
24 reviews in the pipeline so that there is -- in other
25 words, when you go into the new fiscal year, you don't

1 start from scratch, but you already have them in the
2 pipeline. So September, we can have three -- schedule
3 three or four or whatever.

4 MR. ROBERTSON: Well -- and that's what
5 we're going to do. We did make a change this fiscal
6 year and just starting them off in October.

7 And thank you. What me and Mr. Gomez
8 spoke on earlier this week as well is that we will
9 start, in FY '09, getting them kicked off in
10 September, October, November and moving on from that
11 point as well.

12 MR. GOMEZ: One of the issues we had to
13 contend with was the fact that they were already
14 scheduled into the following year. So that situation,
15 when it was pointed out to us during the performance
16 briefings with the TWC Commissioners, we -- in
17 discussing that particular target with them, we also
18 looked into starting the process -- which is usually a
19 lengthy process, from the time that you notify the
20 state agency or university, they get their information
21 together, they send it in, we review it, we schedule
22 the on-site. We get all that information and prepare
23 the final report, send the final report for their
24 response, especially if there's some corrective action
25 that's needed on their behalf. This is all a process

1 of 90 days.

2 So what we're going to do is, starting
3 next fiscal year, we are going to start putting some
4 reviews into the pipeline, as you've stated, Chair
5 Anderson, so we can show some completions. Because
6 those are the numbers that we're reporting as
7 completions, not the initiation of the policy reviews.

8 MR. ROBERTSON: Thank you. That is
9 correct.

10 Next slide, please.

11 Firefighter reviews are where they are.
12 Once again, we are conducting this year for the first
13 time -- for your knowledge, this year we're doing 55
14 firefighter reviews, and we will complete those. To
15 date, although it shows 9, we have conducted a total
16 of -- we're looking at 20 reviews as of the end of
17 December and looking at 25 at the end of January as
18 well. So we'll meet that number without any problems.

19 I'd like to turn your attention on two
20 points. First of all, I want to talk about Special
21 Projects. As you know, as of September 1, I became
22 the Special Projects manager for CRD. With that, I'm
23 going to publicly thank Vickie Covington in public for
24 her assistance, her guidance and her insight in
25 allowing the transition to happen between her and I

1 and the staff member that we currently hired back in
2 November to take over this project. This individual
3 is now our Special Projects coordinator; plus, he's a
4 Housing investigator as well.

5 And I want to thank you, Vickie, for
6 everything that you brought forward and assisted us
7 with, and you continually help us on that.

8 We applied, recently, for -- excuse me.
9 Last year, we applied for a SuperNOFA grant to
10 continually try to go ahead and do special projects
11 initiatives and education and outreach in Fair
12 Housing. We were informed last October that we did
13 not get the grant.

14 One of the key things that concerned us
15 about that is "What did we do wrong? What went wrong
16 with it? What did we miss? Was there anything
17 particular on our part that should have been done
18 differently?" And what we -- we had an opportunity to
19 sit down with the folks from HUD out of D.C. and do
20 what we call a special briefing. They gave us an
21 outbriefing in reference to where our mistakes were,
22 so to speak. And through that we learned that the
23 input of data, when it goes through certain automation
24 type situations, it's imperative and important that
25 it's followed up and that it's guaranteed that that

1 data is submitted.

2 The thing that hurt us was that a
3 particular Logic Model was not uploaded. Then it was
4 uploaded a second time, and the second time, it was
5 blank. So that kicked us out of the ball game. It
6 took us out of the running, and we were not awarded
7 that grant.

8 One thing that we did learn from that,
9 which we're quite proud of which will help us for this
10 next grant that we're going to be applying for this
11 fiscal year as well, is that we've obtained enough
12 points in the first part of it to allow us to go ahead
13 and get ahead of those who are going to be applying
14 and that we'll be competing against as well.

15 We are proud of the fact that three
16 cities in the state of Texas did receive a grant. We
17 work with these individuals. They are our partners as
18 well and we're proud of them that they got that.

19 But that was one of the key things as a
20 Special Projects manager that I have to brief
21 Mr. Gomez on to understand why we didn't get it and
22 what we can do better next time. So I felt that it
23 was important to share that with you-all so that you
24 will know what our next -- our game plan is, or our
25 plan of action for the next grant that we look to

1 apply for.

2 Finally, which is going to require some
3 action from you-all, I'm going to have Becky pass
4 around the signature page for the annual report, the
5 Commission on Human Rights Report.

6 As you know, this report consists of
7 data by prescribed categories on the total number and
8 composition of statewide agency new hires as well as
9 state agencies and institutions of higher ed. The
10 statute that drives us to report is Texas Labor Code
11 Chapter 21.504, which is called State Agency Minority
12 Hiring Practices Report.

13 The last portion of this report also
14 includes data for fulfilling the reporting
15 requirements of Texas Labor Code Chapter 301.156. In
16 this particular chapter, what it provides is a
17 statewide data relating to Employment and Housing
18 discrimination cases filed and closed for the previous
19 fiscal year.

20 We've had an opportunity to send this
21 out to you-all, and what I'd like to do now is
22 entertain any questions that you-all may have upon
23 reading that annual report. As you know, this is the
24 annual report that you-all submit to the governor and
25 LBB, the Legislature, that comes from the

1 Commissioners on Human Rights.

2 Once again, the title page will look
3 like this. The title is not -- the cover page has not
4 changed. It will be color coded. And this is what
5 the title will look like -- or the cover sheet. But
6 what I've handed out to you-all is the signature pages
7 and want to go ahead and take a moment to have you-all
8 review that and answer any questions you may have at
9 this point in time.

10 CHAIRMAN ANDERSON: Has this been --
11 this report -- I know there was an issue in the past
12 about the dates and all that. Has this been reviewed
13 by TWC? Is everybody in agreement from the TWC
14 oversight review of this particular report?

15 MR. ROBERTSON: Yes. What happens,
16 Chair Anderson, it goes through External Relations,
17 Mr. Jesse Lewis. Mr. Lewis had an opportunity to
18 review it, offered some changes as well. We accepted
19 those changes. And what you-all have is the complete
20 and accurate report from the changes that he made,
21 which were minor, little verbal, grammar issues, and
22 that -- and we received their blessing on it as well.

23 COMM. JAMES: I have a question, but
24 it's not about the annual report.

25 I was interested in -- on the EEO

1 compliance training number of four-hour workshops
2 conducted, remind me -- I can't remember the numbers
3 from previous years. Remind me on the requested by
4 private employer side. I see we had nine in 2007.
5 Are people feeling a little pressured? Did they have
6 some dispute that happened? How does a private
7 employer come to request a four-hour workshop?

8 MR. ROBERTSON: Thank you, and good
9 question.

10 The majority of what --

11 COMM. JAMES: Thank you.

12 (Laughter)

13 MR. ROBERTSON: What we have done and
14 what we've implemented back in FY '06, Commissioner
15 James, was that I went to Team 1 and Team 2 managers,
16 as well as Mr. Gomez, and said, "Hey, look here. Our
17 training program needs your assistance." And the way
18 that they assist us is that they offered that to --
19 because the majority of their complaints are from
20 private employers. With that, through the
21 conciliation, through the mediation agreement, even
22 through the investigator stage itself, to resolve it,
23 they are advertising my training. We put it out on a
24 brochure. We have a brochure that each one of them
25 has that they give to the employer or to the

1 respondent as well as the complainant so that they can
2 request that. That is how a majority of them are
3 requested in most cases, based off of the complaints
4 that have been received and are getting worked.

5 We also continually do a mass mailout
6 to -- not only the state agencies, but some of these
7 companies that we receive repeat complaint business
8 from, we send out the mass mailout indicating our
9 services, what we offer and what we can offer to them.
10 And then the majority of them come just in the latter
11 parts of the fiscal year where they just want to
12 advertise or they just want to get their people
13 trained in the EEO trainings. So that's where you'll
14 see the numbers start to increase and the request from
15 private employers as well. And that's how we do that
16 and that's how we go about soliciting that business.

17 COMM. JAMES: And the only reason I ask
18 is because I would imagine there aren't employers
19 beating down our door to get this kind of training,
20 and the numbers bear that out, but I received
21 something across my desk last year, some "Career
22 Track" somebody, somebody, doing EEO training and
23 charging \$99.99 for you to attend. And I thought,
24 "Well, surely we have more knowledge than them. And
25 if they're able to charge for some of that, surely we

1 could partner with SHRM or somebody and do something
2 like that and maybe recover some of our costs in those
3 situations, assuming we do this for free. But I'm
4 curious, have we ever thought about that? Are we
5 prohibited from doing anything like that?

6 MR. ROBERTSON: The key thing -- and,
7 Mr. Gomez, if you want to input.

8 The key thing that drives us,
9 statute-wise, are state agencies and institutions of
10 higher ed. No doubt. The private sector requests
11 that we get are just an additive or a nice little
12 gesture after the fact, should I say, that we can get
13 their business as well and get repeat business.

14 Do we partnership and do we talk with
15 SHRMs and different organizations? Absolutely. Do we
16 train them? Absolutely, we do. But it's a -- we
17 are -- as you know, I'm budget-generating. I have to
18 charge for my services, and sometimes they feel those
19 services may be a little too high on the price.

20 I never saw something like the \$99.99,
21 which I think is great, but, unfortunately --

22 COMM. JAMES: I exaggerated about the 99
23 cent part.

24 (Laughter)

25 MR. GOMEZ: Well, you know, first of

1 all -- Robert Gomez again.

2 I agree with you totally that we provide
3 a better product and oftentimes at a better price.
4 Okay. We do have to recoup -- we can't generate any
5 revenue, per se, or make a profit off of what we're
6 doing. We're basically charged to come out even. We
7 charge for our staff time, which goes into the budget
8 as staff time, and it's charged to that cost center
9 and also any travel that's involved. Okay. Again, we
10 offer a better product at a better price.

11 You know, just taking what you said,
12 \$99, that might be \$99 for an individual, but as far
13 as training course that we deliver, we charge --
14 what -- 12?

15 MR. ROBERTSON: Yeah, the average for an
16 individual would turn out to be about 20 bucks per
17 person.

18 MR. GOMEZ: Because the total class
19 is --

20 MR. ROBERTSON: Is 1,200.

21 MR. GOMEZ: -- is \$1,200, but you can
22 send as many individuals as you want to that training.
23 So when you break it up into an individual cost, it's
24 a lot less than \$99 per individual. So, again, better
25 product at a better price, and we do have to charge to

1 recoup what we spend in salary and also any travel
2 that's involved.

3 But just to emphasize what Tony was
4 saying, we have done a lot of networking, outreach in
5 trying to sell or to put our training modules out
6 there. Not only on the Employment side, but also on
7 the Housing side. We developed a training module for
8 Housing that we sent to HUD. They blessed it. They
9 looked at it. We deliver that. And all throughout
10 the -- any investigative process, conciliation
11 process, the mediation process, any opportunity we get
12 to put our training -- what we have available in
13 training out there in the forefront and out there in
14 the public's eye, we do that. In any event that we
15 attend, any workshops that we conduct, especially
16 along with the special projects that we've had, we
17 always put our training out there and put the
18 information of our training, developed those
19 pamphlets, those handouts regarding our training, what
20 we offer, and we even have it posted on our website --

21 MR. ROBERTSON: Yes, sir.

22 MR. GOMEZ: -- as to the trainings that
23 we offer. So, yes, we've done a lot of outreach,
24 network and advertising, if you want to call it that.

25 MR. ROBERTSON: And Commissioner James

1 hinted on this as well. As you know, we are part of
2 staff with Commissioner Lehman's office with the Texas
3 Business Conferences, and we get a lot of good hits
4 because those are all private employers, strictly
5 employers, which is a great audience to have. And one
6 of my staff also presents as one of the presenters on
7 his -- on the circuit with them. And so what we saw
8 and what we'll see this year, as we saw last year as
9 well, is that we do get hits from the private sector
10 based on some of those TBC conferences.

11 Commissioner Wipf, you attended the one
12 in Padre Island last year, and that was a great
13 turnout.

14 And so we do submit and get business
15 from that type of -- those type of conferences and
16 that type of interaction that we have to be allowed to
17 be a part of that circuit to present.

18 COMM. JAMES: My only point is: It does
19 call for a little bit different type of thinking to
20 say, as a governmental entity, perhaps we should
21 partner with somebody that allows us to recoup our
22 costs plus and allows them to -- like SHRM, a
23 nonprofit organization, to get some money as well for
24 hosting something that somebody is charging \$99 a head
25 for, and I think there were -- I heard there were 60

1 people at this conference. I don't know what the math
2 is, but I think it's a little less than 6 grand, and,
3 again, we have a better product. And maybe the law
4 precludes us from doing something like that, but it
5 seems to me there might be an opportunity there.

6 MR. ROBERTSON: Absolutely. Absolutely.

7 CHAIRMAN ANDERSON: Yeah. I think we
8 can't be in competition with the private sector for --
9 offering the same product -- product or services, but
10 I'm not sure about that.

11 We got this signed. Does it have to be
12 in black ink or is blue ink okay?

13 MR. ROBERTSON: Blue ink is fine,
14 because what's going to happen, sir, is that that's
15 going to go to the print shop, and then it goes from
16 that point so that we can it get passed out and --

17 CHAIRMAN ANDERSON: Commissioner
18 Santiago is not here. Does he need to sign this?

19 MR. ROBERTSON: No. The signatures that
20 I have there present will be just fine.

21 MR. MOORE: Chair Anderson, John Moore,
22 acting general counsel. You do need a motion and a
23 second on this item since it is a statutory
24 requirement to forward to the governor's office.

25 COMM. JAMES: Move approval of the 2007

1 annual report.

2 CHAIRMAN ANDERSON: Second?

3 COMM. KHALIFA: Second.

4 COMM. WIPF: Second.

5 CHAIRMAN ANDERSON: Any opposed?

6 (No response)

7 CHAIRMAN ANDERSON: The document is
8 signed.

9 AGENDA ITEM NO. 11

10 CHAIRMAN ANDERSON: Action items for the
11 next time, we're going to get some information, Becky,
12 on the case closure results from the financial people
13 or Robert is going to get with them and get that
14 resolved, see if there's anything else that we need.
15 We'll look into the cubicle installation and what we
16 can and cannot do financially and effectively.

17 We do want to try to make some money
18 available, certainly, to the employees in the merit;
19 so we don't want to preclude that, but we do want to
20 continue to look into that installation and get it
21 done this fiscal year or a combination of this fiscal
22 year and next fiscal year.

23 We're looking to change the commission
24 date, possibly, to coincide with the training for the
25 October meeting -- yes, the October meeting.

1 MR. GOMEZ: For the IAOHRA conference.

2 COMM. KHALIFA: Right.

3 CHAIRMAN ANDERSON: And we have a
4 meeting April 16th, July 16th. And one in October is
5 it one that we're talking about is in question.

6 COMM. KHALIFA: Will that mess up any of
7 the reporting if we came in a month earlier in
8 October? Would that be appropriate or would you have
9 enough time to get all the reports together if we did
10 come in a month earlier?

11 MR. GOMEZ: If you came in in
12 September -- I think that's why it was changed,
13 because if you come in September, possibly, we won't
14 have the final figures. We can have them internally,
15 but as far as getting our figures back from budget for
16 the budget information, probably that would impact
17 that.

18 COMM. KHALIFA: But we can still have a
19 full meeting --

20 MR. GOMEZ: Oh, yes.

21 COMM. KHALIFA: -- and be okay?

22 MR. GOMEZ: Yes.

23 COMM. KHALIFA: All right.

24 CHAIRMAN ANDERSON: And then the
25 other -- only other action item was just to keep us

1 informed on what the process is or the procedure or
2 the status, really, of the IAOHRA conference and what
3 our participation may or may not be.

4 Commissioners, anything else that we
5 need to discuss?

6 AGENDA ITEM NO. 12

7 COMM. KHALIFA: Make a motion to close
8 the meeting.

9 COMM. WIPF: I second.

10 CHAIRMAN ANDERSON: Without further
11 objection -- without any objection, the meeting is
12 adjourned.

13 Thank you very much for attending.

14 (Proceedings concluded at 11:50 a.m.)

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1 C E R T I F I C A T E

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3 STATE OF TEXAS)

4 COUNTY OF TRAVIS)

5

6 I, Patricia Gonzalez, a Certified
7 Shorthand Reporter in and for the State of Texas, do
8 hereby certify that the above-mentioned matter
9 occurred as hereinbefore set out.

10 I FURTHER CERTIFY THAT the proceedings
11 of such were reported by me or under my supervision,
12 later reduced to typewritten form under my supervision
13 and control and that the foregoing pages are a full,
14 true and correct transcription of the original notes.

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand and seal this 24th day of January 2008.

17

18

19 _____
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