

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, APRIL 4, 2007

BE IT REMEMBERED THAT at approximately  
9:00 a.m., Wednesday, the 4th day of April 2007, 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, APRIL 4, 2007

(9:00 a.m.)

AGENDA ITEM NOS. 1 AND 2

CHAIRMAN ANDERSON: My name is

Tom Anderson. I'm the Chair of the Human Rights Commission and I call the meeting to order.

I'd like to welcome everybody who decided to come to this meeting today. We have a lot to cover. We also have a fairly short timeframe because today is Muslim Day and Commissioner Anwar and I and Mr. Gomez are going over there to greet -- is it greet -- greet and say a few words to the attendees over there, and so we want to leave as quickly as we possibly can, but at the same time, we certainly want to make sure we get through the business of the meeting. We will not short anyone here.

I think the first thing we want to do is go ahead and see -- and we do have one person signed in -- public comments.

Ms. Morrison, the same guidelines as applied as before. You have three minutes. Please make sure it tracks on the agenda items -- one of the agenda items. Let us know what agenda items you're addressing. And you have three minutes, please.

1 MS. MORRISON: My name is Marilou  
2 Morrison, and because enforcement is a primary focus  
3 of the published agenda, I will focus on that also.

4 (Microphone turned on)

5 MS. MORRISON: Because enforcement is a  
6 primary focus of the published agenda, I will focus on  
7 that also.

8 Clearly, there has been little or no  
9 enforcement of either Housing or Employment  
10 Discrimination laws in the past four or so years. The  
11 only Housing cases litigation was investigated by  
12 former employees, and only one of the current  
13 investigators has ever completed an investigation that  
14 resulted in a determination that there was reasonable  
15 cause to believe that discrimination occurred.

16 In view of the fact that the Austin  
17 Commission has had several such cause cases every  
18 year, and this city, considered the most liberal in  
19 Texas, it's obvious that CRD is failing in its mandate  
20 to enforce the State's Housing and Employment  
21 Discrimination laws. This must be corrected. In  
22 order to correct this deplorable situation,  
23 Commissioners and/or TWC must first recognize the  
24 reason for such failures. The cause for this abysmal  
25 state of affairs are obvious to anyone willing to

1 look.

2                   The director of CRD is in way over his  
3 head. He lacked the relevant experience and knowledge  
4 when he was hired.

5                   CHAIR ANDERSON: Ms. Morrison?

6                   MS. MORRISON: Yes.

7                   CHAIR ANDERSON: What agenda item are  
8 you going to address? Some of this --

9                   MS. MORRISON: 1, 2 and 3.

10                  CHAIR ANDERSON: -- is not --

11                  MS. MORRISON: Susanna, is this not --  
12 is this relevant to the -- what's on the agenda?

13                  CHAIR ANDERSON: Ms. Morrison, I'm the  
14 Chair of the Commission. And if you're going to  
15 continue on this path of just attacking the employees  
16 of the Commission --

17                  MS. MORRISON: I'm not attacking the  
18 employees, simply management. Management is making it  
19 impossible --

20                  MS. HOLT: Ms. Morrison, you may speak  
21 to enforcement, which is what you've indicated on your  
22 sign-up for public comment, and you have two more  
23 minutes to speak, but, please, limit your comments to  
24 enforcement matters.

25                  MS. MORRISON: Okay. This is the reason

1 that you can't enforce anything, because you don't  
2 have people that have the sufficient knowledge or  
3 ability to manage and train the investigators. He's  
4 in so far over his head that he just doesn't know what  
5 to do or which way to turn. It's not his fault.

6 When he came, Vickie Covington was head  
7 of it, and she's similarly incompetent, and they  
8 can't --

9 CHAIRMAN ANDERSON: Ms. Morrison --

10 MS. MORRISON: -- learn in four years.

11 Okay. You're not interested in  
12 correcting it and maybe TWC isn't either. It's just  
13 a -- simply a waste of taxpayer's money and you're  
14 punishing employees for no good reason. They can't  
15 learn if they don't have anyone to learn from. That  
16 should be obvious to anyone.

17 And you're not -- apparently you don't  
18 care that Gomez is only interested in El Paso and his  
19 grandiose plans that will never come to fruition.  
20 He's going to visit his relatives.

21 CHAIR ANDERSON: Ms. Morrison?

22 MS. MORRISON: Okay. It's all yours.

23 CHAIR ANDERSON: Thank you.

24 Again, the comments, if they're  
25 addressed to the agenda items and numbers or some

1 other programs, then we welcome the comments, but if  
2 you're just going to attack the employees on your  
3 opinion, then we're not interested in pursuing that  
4 line of general comments.

5 MS. MORRISON: Or the facts, apparently.

6 AGENDA ITEM NO. 3

7 CHAIR ANDERSON: Mr. Gomez, Item No.

8 3 -- I'm sorry -- yeah. Item No. 3 on the agenda.

9 MR. GOMEZ: Yes, sir. Good morning,  
10 Commissioners. Good morning, Chair Anderson. My name  
11 is Robert Gomez. I am the Division Director for the  
12 Civil Rights Division.

13 If you look in your booklets, the  
14 Director's report will cover several items, meetings,  
15 Generalist Investigations Plan Update, Housing  
16 outreach projects, information, staffing report  
17 networking update, summit/conference attendance,  
18 customer service survey evaluation and future goals.  
19 This is on Page 3 of your handout.

20 If I may direct you to the tab for the  
21 Director, there you will find my memorandum to you,  
22 Commissioners, which outlines and items the meetings  
23 scheduled.

24 Regular meetings, as far as the Civil  
25 Rights Management Team, we meet twice a month. These

1 are bimonthly meetings that we do get together to  
2 strategize and plan for the Division; conducted  
3 telephonic weekly meetings with Chair Anderson;  
4 conducted regularly scheduled meetings with TWCCRD  
5 staff; usually a full staffing on the first Thursday  
6 of the month; and, also, attend individual team  
7 meetings with Employment, Housing and Training and  
8 Monitoring Section units.

9 I attended the TWC Executive Staff  
10 Meetings on Mondays, and on Tuesdays, the TWC  
11 Commissioners Meetings; also, the Quarterly  
12 Performance Briefing. I'd like to give you some  
13 information on that particular briefing.

14 Each quarter, we do have a TWC Quarterly  
15 Performance Briefing. At the briefing for December,  
16 we were -- basically pointed out that the numbers for  
17 Employment were not being met and Housing was being  
18 met but we needed to establish as to why the  
19 Employment cases were not being closed. We did submit  
20 explanation of variances on that as far as the  
21 performance measures. We have had a turnover of  
22 staff, and, also, because of the learning curve, the  
23 numbers for Employment were not being met as per the  
24 performance target, but we have initiated a plan that  
25 will address that. Also, on the other side of the

1 investigative house, for the Housing cases, since we  
2 do have an abundance of Housing cases that we need to  
3 investigate, we're also addressing that with this new  
4 plan, in that, and we're going to address the age  
5 cases as directed by HUD.

6                   Along those lines, the Deputy Executive  
7 Director, myself and the Training and Monitoring  
8 Manager did meet with each of the offices, each of the  
9 Commissioner offices for TWC and explained what our  
10 EOE was and what our measures were in order to meet  
11 those targets for the fiscal year, and those meetings  
12 went very well. In fact, with this last Performance  
13 Briefing Meeting, we did brief the Chair's office, her  
14 staff, and it was very well received as far as the  
15 plan that we were going to take in order to meet these  
16 numbers.

17                   CHAIR ANDERSON: You have five months  
18 left. So the plan that you put together will allow  
19 the Division to meet the goals based on -- not based  
20 on, but both the numbers and the quality? Because I'm  
21 concerned about the quality also.

22                   MR. GOMEZ: Correct. The quality has  
23 not been an issue with the Division. The quality is  
24 always meeting our measures, our target measures of 99  
25 percent. Our target has always been 99.89 percent.

1 For example, in Employment and with the Housing  
2 complaints resolved timely and meeting the standards,  
3 our target is 99 percent also and we're meeting the  
4 target of 99.93 percent on those cases. So our  
5 quality is there. The issue is with the quantity of  
6 cases.

7 Another issue that has arisen, and we  
8 have already spoken with EEOC regarding this issue, is  
9 the inventory or low inventory that's expected  
10 throughout the remainder of this fiscal year and also  
11 into the new fiscal year both by ourselves and also by  
12 EEOC and their offices. I have sat down with the  
13 Director -- Area Director in El Paso for EEOC and also  
14 with Mike Fetzner, the Regional Director for EEOC and  
15 Jaime Valdez who is the coordinator for the FEPA  
16 programs in San Antonio, and we have asked that they  
17 waive cases to us so we can increase our inventory.  
18 They have responded in that they would try to help us  
19 as much as they can, but they're also going through a  
20 similar situation, that they have a very low inventory  
21 for the number of investigators that they have and the  
22 number of closures that they are responsible for  
23 closing for their federal agency.

24 So it seems to be happening nationwide,  
25 that the Employment case inventory is rather low, but

1 we are working with EEOC, as I stated before, the  
2 office in El Paso, the office in Dallas, the office in  
3 Houston and San Antonio. We've been working with them  
4 closely in order to increase our case inventory on the  
5 Employment side.

6                   On the Housing side, curiously enough,  
7 we have the opposite problem because we have an  
8 abundance of cases in the Housing investigation side,  
9 and for that, this new plan will address the fact that  
10 we need to close and pay attention to the age cases  
11 that we have in our inventory. We are working with  
12 HUD. We have submitted a plan to HUD Regional Office,  
13 and, basically, we're going to have the managers  
14 administrative closing or closing cases that can be  
15 administratively closed; these are the age cases.

16                   So we have our investigators and our  
17 managers diligently working on this plan as far as  
18 addressing both issues, in the Employment side, again,  
19 the performance measures number, and also in the  
20 Housing or investigative side, the age case inventory.  
21 So this plan will allow us to address both issues.

22                   CHAIR ANDERSON: Unless there's any  
23 questions by any Commissioners, let's go ahead and  
24 proceed.

25                   MR. GOMEZ: Okay. Yes, sir.

1                   As mentioned before, we are changing the  
2 strategy for the investigation closures, and this is  
3 to address those two issues. And I'd like to point  
4 out that the fact that we went into the Generalist  
5 Plan, that all of our investigators are both  
6 Employment and Housing, has allowed us to have this  
7 flexibility to do this; and, therefore, we have  
8 initiated a change in our closure strategy, which is  
9 allowed by the Generalist Plan to address these two  
10 issues.

11                   I did want to point that out because I  
12 know that when we went into the Generalist Plan there  
13 was questions as to whether or not we would be able to  
14 do this, and this is an indicator that we can do this  
15 and we are able to do this. All our staff is trained  
16 in both Employment and Housing, received internal and  
17 external training, EEOC training and training through  
18 HUD. In fact, our staff got back -- I believe it was  
19 three weeks ago that they were out in Fort Worth for  
20 the regional policy training that was delivered by  
21 HUD, and, also, we're set up for an EEOC training this  
22 summer again as we were last summer for all of our  
23 investigators to be fully trained in both areas of  
24 Employment and Housing.

25                   And as far as conferences, I

1 participated in the conference calls for the Fair  
2 Housing Assistance Programs with HUD. In discussing  
3 the new NOFAs that are coming out, the notice of funds  
4 available, and also to discuss the current project  
5 that we're in. And the Special Projects Manager,  
6 Vickie Covington, will give you some more details on  
7 those projects and where we are on those projects,  
8 give you an update on those.

9                   Also presented the CRO General Plan and  
10 General Strategy and who we are and what we do for the  
11 people of Texas at the Equal Opportunity Forum in  
12 Corpus Christi. This was put on by the Human Rights  
13 Commission of the City of Corpus Christi. It was very  
14 well attended for it being on a Saturday. This was  
15 held on a Saturday and we had about 75 to 80  
16 participants that came in from all areas.

17                   Contacted again the area -- the El Paso  
18 Office Area for the Equal Employment Opportunity  
19 Commission to discuss the waiver of cases; also had  
20 the opportunity in Corpus Christi to contact  
21 Mr. Johnny Canales who is going to provide us some  
22 free air time to put out the word as to who we are and  
23 what we do in the Valley. And we're currently working  
24 with TWC support in order to put those PSAs together.

25                   I also worked with Mr. Ramiro Gamboa

1 with the League of United Latin American Citizens,  
2 LULAC, and Dr. Nick Adame with LULAC, also in the  
3 Valley, and they came up with some ideas to do some  
4 networking and outreaching as far as the Employment  
5 area is concerned. They have several questions out  
6 there in the Valley about Employment and we're going  
7 to work together to address those as far as setting up  
8 some outreach and networking and education, basic  
9 education of who we are and what we do for the people  
10 of the Valley.

11 CHAIR ANDERSON: Since the -- maybe it  
12 will be addressed later on, but since the  
13 Commissioners have asked you to do research and look  
14 into going to El Paso and to East Texas and down in  
15 the Valley, what -- are you going to address that  
16 later on as far as how that outreach is progressing?

17 MR. GOMEZ: Yes. I'm glad you bring  
18 that up, Chair, actually, because my next item here is  
19 the -- I believe you're talking about the Itinerate  
20 Investigator Project. We do have the Itinerate  
21 Investigator Project going on currently. We have  
22 office space available in Amarillo. The office is  
23 located at the Red Cross Center, one block from the  
24 Interstate; so it's a really good location out there.  
25 The Executive Director for the Red Cross has offered

1 to send out flyers to all contacts on a monthly basis.  
2 We also have some PSAs running out there. One trip  
3 has been made to this office and we're doing the PSAs.  
4 We're sending out the PSAs and doing the flyers and  
5 doing the contact in that community.

6 The Lubbock office space, itinerate  
7 investigator space, is located off the Interstate and  
8 is next to a very popular Science Spectrum in Lubbock,  
9 and that attracts a lot of individuals to that area.  
10 The office is accessible. And we've gone out there, I  
11 believe, twice and we've had some traffic as far as  
12 individuals asking for presentations in outreach and  
13 education presentations from TWCCRD.

14 We also, in working with Commissioner  
15 Khalifa, have obtained and identified office space in  
16 Tyler and future plans are to visit that office and  
17 set up that office. We have not been out there yet.  
18 There's other time that has been taken by the special  
19 project that we're currently working on with HUD, the  
20 NOFA; so we will make it out to Tyler in May,  
21 Commissioner Khalifa. So we'll be out there in May  
22 and we've scheduled that on our calendar.

23 COMM. KHALIFA: Be sure to let me know  
24 ahead of time.

25 MR. GOMEZ: Yes, sir. We will let you

1 know ahead of time.

2                   The El Paso office, we are alternating  
3 that office with the office that we're going to have  
4 in McAllen. In other words, one month we'll go to  
5 El Paso and then the next month we'll go to the  
6 McAllen office. It will be on a monthly basis. And  
7 that's in order to give us coverage out there in the  
8 border area. Not only West Texas border area, but  
9 also the Valley.

10                   And it's quite interesting, because, you  
11 know, we went into this project or this plan at the  
12 beginning of this year -- and I'm getting a little bit  
13 ahead of myself here on the customer service survey  
14 evaluation for March, which looks pretty good, and  
15 I'll share those numbers with you shortly, but one of  
16 the comments was that this individual feels that it's  
17 extremely impractical for the State of Texas to have  
18 an agency located solely in Austin to do an effective  
19 job.

20                   "You cannot do an effective job by just  
21 having an office in Austin in mediating and  
22 investigating. The State needs to establish satellite  
23 offices which are geographically near the area where  
24 the disputes are in in order to handle these  
25 effectively." And that was one of our customer survey

1 comments; so I feel that we're ahead of that curve in  
2 setting up these Itinerate Investigative Offices.

3                   It's a full service Itinerate  
4 Investigative Office. In that I'm saying that we do  
5 Employment and Housing intake for investigations. We  
6 also do networking and outreach and provide the  
7 opportunities for our Training and Monitoring Section  
8 to go out there and provide this training; and also  
9 outreach and networking for the community on a local  
10 basis. And, of course, they see us out there in that  
11 area, that we are physically there; so that is another  
12 positive and a plus for the Division.

13                   I did mention the customer service  
14 survey; so let me go ahead and share that with you.  
15 For the month of March, we received 112 responses for  
16 the month of March and under the "strongly agree" and  
17 "agree" to -- again, the questions on the  
18 questionnaire are "Is staff courteous and helpful?  
19 Did staff provide accurate information? Did staff  
20 provide timely response to inquiries? Is staff  
21 knowledgeable of CRD procedures and would you  
22 recommend services to others?" Those are the five  
23 questions that are asked on the survey.

24                   Again, we received 112 responses. 90 of  
25 these were under the "strongly agreed" and "agreed"

1 categories and 22 were in -- under the "disagree" and  
2 "strongly disagree" category. If you take the first  
3 two categories, which are positive for the Division,  
4 strongly agree and agree, then we have an 80 percent  
5 response that's positive for the Division. This,  
6 again, is for the month of March 2007.

7                   April is Fair Housing Month. We have  
8 also approached the Governor's Office to proclaim  
9 April for the State of Texas as Fair Housing Month.  
10 And we are participating in a conference here in  
11 Austin and we've participated in a conference in  
12 Corpus Christi. And, also, we have been invited to  
13 participate with the Border Fair Housing and Economic  
14 Justice Center, along with the Colonias Group, to  
15 participate in the Housing Conference where I will  
16 have my Training and Monitoring Manager going out to  
17 El Paso and participating in the conference and  
18 providing information, again, on who we are and what  
19 we do in the lines of Enforcement in the Housing area.

20                   At this point in time, since my  
21 Executive Assistant, Becky, she is the one that, you  
22 know, processes all the paperwork that we need to and  
23 contacts the people we need to internally and with  
24 TWC, with Government Relations and also coordinates  
25 that with the Governor's Office, I would like for her

1 at this point in time to read that proclamation to  
2 you-all which is very interesting from the Governor's  
3 Office.

4 MS. SMITH: Good morning, Commissioners.  
5 For the record, my name is Becky Smith. I'm the  
6 Executive Assistant for the Texas Workforce Commission  
7 Civil Rights Division and I will be reading the  
8 proclamation.

9 "President Lyndon Baines Johnson signed  
10 Title VIII of the Civil Rights Act, also known as the  
11 Fair Housing Act, into law in 1968.

12 "This landmark legislation prohibits  
13 discrimination in the sale, rental or financing of  
14 housing on the basis of race, color, religion, gender,  
15 national origin, familial status or disability.  
16 Subsequently, in 1989, the Texas Legislature passed  
17 the Texas Fair housing Act, solidifying our state's  
18 commitment to the spirit of fairness and  
19 nondiscrimination.

20 "These acts were conceived with a noble  
21 goal in mind - to afford all Americans the opportunity  
22 to seek housing without fear of discrimination. To  
23 that end, nationally, each year the month of April is  
24 designated as 'National Fair Housing Month.' While  
25 reaffirming our commitment to fairness and opportunity

1 for all, this observance celebrates the advances that  
2 have been made over the course of four decades.

3 "Our great state is a land of many  
4 peoples and cultures, and in Texas, we derive strength  
5 from our diversity. We know well that prejudice and  
6 discrimination on the part of one stand in the way of  
7 prosperity and advancement for all. At this time I,  
8 therefore, encourage all Texans to support fair  
9 housing opportunity, so that we may build an even  
10 brighter future for this greatest of states that we  
11 call home.

12 "Therefore, I, Rick Perry, Governor of  
13 Texas, do hereby proclaim April 2007,

14 "Fair Housing Month.

15 "in Texas, and urge the appropriate  
16 recognition whereof."

17 Thank you.

18 CHAIR ANDERSON: Thank you, Ms. Smith.

19 MR. GOMEZ: Thank you, Becky.

20 The last thing I'd like to point or  
21 reiterate is the fact that the LBB or the Legislature  
22 has given us several performance measures to meet for  
23 the fiscal year. I would like to say and I would like  
24 to thank the staff from the Civil Rights Division, not  
25 only investigative staff but the training staff and

1 also my management staff because of the targets that  
2 we have, whether they be the five key measures or the  
3 six non-key measures for the Legislature, we are  
4 meeting all of them with the exception of two, the  
5 Employment that I mentioned before, and, also,  
6 Training, which Training we also forecast and project  
7 that we will meet that target by the end of the fiscal  
8 year.

9                   So I just want to emphasize that, and,  
10 again, thank all staff with CRD that work with the  
11 Civil Rights Division and also thank TWC for their  
12 support in assisting us in establishing what I  
13 mentioned before is the new plan that will enable us  
14 to achieve those numbers in as far as the monthly  
15 performance measures target for the Legislature and  
16 deployment. And, also, management has taken actions  
17 to meet the number of individuals receiving EEO  
18 compliance training, which again we forecast and  
19 project that we will meet by the end of the fiscal  
20 year.

21                   And that concludes my report and I will  
22 take any questions from the Commissioners.

23                   COMM. WIPF: I have another question.  
24 On the customer survey --

25                   MR. GOMEZ: Yes, ma'am.

1                   COMM. WIPF:  -- if our satisfaction  
2 rating is 80 percent, I'm not sure I'm that excited  
3 about the 80 percent.  Is there a correlation between  
4 that 20 percent that strongly disagreed with the  
5 prevailing party or the losing party?

6                   MR. GOMEZ:  I think -- yes.  That's  
7 exactly right, Commissioner Wipf, because in our line  
8 of business, as far as conducting investigations,  
9 especially when you're talking about conducting either  
10 Employment or Housing investigation, you really don't  
11 have a clear winner or loser or somebody that's going  
12 to be totally satisfied any time that you conduct an  
13 investigation.  The same thing prevails in mediation  
14 in our ADR Section.  Although you call it a win/win  
15 situation for both parties, really neither party gets  
16 full satisfaction.  It's a give-and-take in ADR.

17                   So what we're seeing is that usually in  
18 our line of business you would be happy to get 50  
19 percent, because in any decision that you make in  
20 those areas of investigations, both in Employment and  
21 Housing and also in ADR, when you have two parties  
22 that are opposing each other, one is going to have to  
23 give in and neither party is going to be fully  
24 satisfied.

25                   So I am encouraged by the numbers.  I

1 believe that when we started this survey, in talking  
2 with Chair Anderson -- and, Chair Anderson, you may  
3 correct me if my recollection is not correct, I  
4 believe we were shooting for, like, 78 -- 75 to 78.  
5 So for the month of March, it was very encouraging  
6 because we did achieve the 80 percent in the type of  
7 questions that we are able to utilize, also, on this  
8 evaluation survey -- service survey. And simply it  
9 goes back to the type of business that we're in,  
10 because we realize going in that 50 percent of the  
11 parties in investigations or ADR are not going to be  
12 satisfied. And chances are, neither party are going  
13 to be fully satisfied when you talk this line of  
14 business.

15                   COMM. WIPF: So are you able to tell  
16 them that being that there are -- it seems like the  
17 respondents are on two extreme ends of the tandem.  
18 Are you able to say that those respondents that  
19 were -- strongly disagreed came from the nonprevailing  
20 party?

21                   MR. GOMEZ: More than likely that's what  
22 we can -- we can -- what the outcome of this survey  
23 indicates is that, yes, ma'am, that usually if someone  
24 has not prevailed in either their mediation settlement  
25 or their investigation didn't go their way, the way

1 that they saw it, and they have these -- very  
2 strongly, obviously, that their side was right and it  
3 doesn't turn out that way, then we're going to have  
4 those type of individuals responding negatively to the  
5 Division.

6 COMM. WIPF: Okay. Thank you.

7 MR. GOMEZ: Yes, ma'am.

8 Any other questions?

9 (No response)

10 MR. GOMEZ: Okay. If not, then I would  
11 like to turn it over to -- Daryl, I believe, will do  
12 the presentation on the -- over the budget.

13 CHAIR ANDERSON: While Daryl is walking  
14 up here, I also want to thank the staff. Both the CRD  
15 staff and the TWC staff have been extremely helpful.  
16 They're always cooperative and they always respond,  
17 from Gene and Daryl in the Financial side to John  
18 Moore and his people on the RED side and Jan Thomas  
19 from HR Investigations and also the Training.

20 We went into this program of having  
21 general investigators, and one of the things that  
22 these Commissioners said at the beginning, to make  
23 sure the employees were trained both from the  
24 university there in Washington, D.C., for the Housing  
25 side but also for the general training communications

1 to different points that are critical in this  
2 transition.

3                   So thank you-all, Commission staffs --  
4 both staffs.

5                   Daryl.

6                   MR. STEGLICH: Good morning, Chair  
7 Anderson, Commissioners. For the record, my name is  
8 Daryl Steglich, Texas Workforce Commission, Finance  
9 Department.

10                   First, bring you some information  
11 related to the finances for the Division and the  
12 program itself, Civil Rights Program.

13                   The first slide is the budget for the  
14 current year. Your budget is 2. -- approximately  
15 \$2.5 million. This is an increase of somewhere in the  
16 neighborhood of \$100,000 from the last time we had  
17 a -- we have a Katrina grant that came into effect  
18 September -- excuse me -- January 1st and will be  
19 expended, but there will be expenditures that will  
20 show up in the coming months related to that  
21 particular one; so we've increased the budget slightly  
22 for that purpose.

23                   Next slide, please.

24                   For the expenditure by category through  
25 the six-month ending February 28th, the expenditures

1 are pretty much linear across all of the areas. There  
2 are some timing differences. The salaries have gone  
3 up just slightly because we've gone from 30 -- 33 FTEs  
4 in the first quarter to 34 FTEs in the second quarter.  
5 The -- again, the timing -- timing of some  
6 expenditures causes fluctuations by month, but pretty  
7 much we're moving along at a reasonable pace.

8 Next slide, please.

9 CHAIR ANDERSON: Financial people are  
10 satisfied with the progress and the staying within the  
11 budget, et cetera?

12 MR. STEGLICH: Yes, sir, at this point  
13 in time. I'll bring a little bit more information  
14 when I get to my final slide when we compare budget to  
15 expended through this portion of the year.

16 This particular slide compares 2006 to  
17 2007. The primary difference between the expenditure  
18 levels is we have 31 FTEs in 2006 through this  
19 particular period of time and we now have 34. So our  
20 expenditures are a little bit higher. We are also a  
21 little bit closer to the 50 percent expended because  
22 we're halfway through the year. In 2007, we were  
23 slightly under-expended. We were at, like, 44 percent  
24 of the budget. In 2006, we're at 46.5 percent of the  
25 budget through the six months.

1                   And, again, some of the expenditures are  
2 not linear. We have some grant amounts that are going  
3 to be expended by partners in the latter portion of  
4 the year which were already built into the budget.

5                   Next slide, please.

6                   Okay. The final slide shows the  
7 comparison of the current budget to the current  
8 expended amounts. Again, as I stated, we're at  
9 46.5 percent, which is reasonable for this time of the  
10 year. As far as expenditure rates, it seems like  
11 we're on track for the rest of the year. Again,  
12 fluctuations on a monthly basis for grant expenditures  
13 and things of that sort that may come up may cause  
14 that to change a little bit, but for where we are  
15 right now, we're on track for the year.

16                   That concludes my presentation. I'll be  
17 glad to answer any questions that you might have.

18                   CHAIR ANDERSON: Well, for Daryl and  
19 Gene, is -- we have in the agenda the discussion about  
20 the budget process. Commissioner James and Khalifa,  
21 would you rather have it now so that the financial  
22 people could leave or --

23                   COMM. JAMES: We like the financial  
24 people.

25                   CHAIRMAN ANDERSON: Well, I mean,

1 they're going to do it, but -- it's at the end.

2                   COMM. JAMES: They don't have to leave.

3                   (Laughter)

4                   COMM. JAMES: Just kidding. We can do  
5 it now.

6                   MR. STEGLICH: Thank you.

7                   MR. CRUMP: Good morning, Commissioners.

8 For the record, I'm Gene Crump, Deputy Executive  
9 Director for the Texas Workforce Commission.

10                   Commissioners, I was asked to kind of go  
11 through the strategic planning and budgeting process  
12 for the State of Texas to provide each of you an  
13 opportunity to see where CRD fits in within the  
14 process, certainly on the legislative side and then,  
15 of course, within -- internally within TWC.

16                   I'll be speaking to two exhibits. The  
17 first one is in the -- oops. Excuse me -- looks like  
18 this, which is basically a chart. The second example,  
19 again in your notebook, is the actual excerpt out of  
20 our Legislative Appropriation Request for the Civil  
21 Rights Division.

22                   Additionally, this morning, I did pass  
23 out a chart that looks like this. I have a couple of  
24 extra copies if there's not one in there.

25                   (Brief Pause)

1                   MR. CRUMP: And, Commissioners,  
2 essentially, this is the complete budgeting process.  
3 So this document here is a watered down version. It's  
4 much easier to talk to, but if you wanted to see all  
5 the documents involved and the things we do, this is  
6 what it looks like.

7                   So returning to this fairly simple  
8 document, we'll just start from the top.

9                   CHAIR ANDERSON: And that's the one  
10 labeled "State Government Strategic Planning and  
11 Budgeting Cycle"?

12                  MR. CRUMP: Yes, sir. Thank you.

13                  Basically, Commissioners, the first step  
14 in the process is the production on an agency  
15 strategic plan. It's prepared for the next five  
16 years; so right now it's from Fiscal Year 2007 through  
17 Fiscal Year 2011 and it forms the basis for our  
18 Legislative Appropriations Request.

19                  What's important for CRD is this  
20 would -- this is the performance measure definition;  
21 so we stop talking about performance measures. And,  
22 specifically, this is when you have the opportunity to  
23 request definition changes. Definition changes are  
24 very important because they're how you actually  
25 calculate your performance measures. It's very

1 strictly controlled and the state auditors come in and  
2 do what are called "certification compliance audits"  
3 to make sure that you're following that definition  
4 strictly so that you're reporting properly up through  
5 the Leg.

6 So it's a real page-turner. I have a  
7 copy here if anyone would like one.

8 (Laughter)

9 MR. CRUMP: The second document as we go  
10 through the planning process is the Legislative  
11 Appropriation Request. And, again, I've provided you  
12 an excerpt of the CRD request.

13 COMM. KHALIFA: Where are we on this  
14 thing?

15 MR. CRUMP: Oh. See --

16 COMM. KHALIFA: I'm trying to follow you  
17 on this.

18 MR. CRUMP: It's -- let's see. If you  
19 look in the purple, very top, it will say "Strategic  
20 Plans."

21 COMM. KHALIFA: Right.

22 MR. CRUMP: Okay. So then if you just  
23 follow that down --

24 COMM. KHALIFA: To the right.

25 MR. CRUMP: There you go. Yes, sir.

1                   COMM. KHALIFA: Thank you.

2                   MR. CRUMP: So then -- and, again, I've  
3 kind of laid out the timeline.

4                   In August of the even numbered years,  
5 the Legislative Appropriation Request is due. We  
6 receive a guidance letter authored jointly by the  
7 Governor's Office of Budget, Planning and Priorities,  
8 and also the Legislative Budget Board. Basically what  
9 that letter does, every other year, on the biennium  
10 planning process, is talk about what general revenue  
11 you're allowed to include in your LAR. It has some  
12 other ideas in there, but that's the important one for  
13 the Civil Rights Division. "Are we allowed to budget  
14 at 100 percent of the general revenue that we have in  
15 the current two-year budget or do we have to take a  
16 reduction?" This year, there was a mandated  
17 reduction.

18                   COMM. KHALIFA: When you talk about  
19 revenue, you're talking about all revenue?

20                   MR. CRUMP: No, sir. I'm talking about  
21 strictly general revenue, revenue appropriated by the  
22 Legislature.

23                   COMM. KHALIFA: But not the revenue  
24 that's come in from HUD and --

25                   MR. CRUMP: Correct. When you look at

1 the appropriation bill, and we're appropriated --  
2 there's different types of appropriations. You can be  
3 appropriated general revenue, which is appropriation  
4 authority and the cash to spend it. For federal  
5 revenue where we're earning revenue from the feds, the  
6 Legislature's appropriated us expenditure authority.  
7 They say, "You can spend up to this amount if you can  
8 get it from your" -- "if you can get it from your  
9 federal partners." In CRD's case, they earn it by  
10 doing cases -- by closing cases or -- what's the  
11 term -- perfecting cases. I'm sorry.

12 So that's how CRD does it. For some of  
13 the other federal grants -- for example, the Temporary  
14 Assistance for Needy Families Grant on our Workforce  
15 Division, those dollars are allocated by the  
16 Department of Labor. So they don't come from the  
17 State Legislature, although the State does authorize  
18 us the ability to expend those dollars.

19 Does that help?

20 (No verbal response)

21 MR. CRUMP: Great. Yes, sir.

22 And that's what I kind of wanted to do  
23 today, was kind of go through the process so it all  
24 fits.

25 So then each of our strategies are

1 submitted in the Legislative Appropriation Request and  
2 you prepare for the next two years. So we're  
3 preparing for Fiscal Year '08 and '09, and you have to  
4 recall -- you have to remember that we're estimating  
5 two years out. So it's -- in some cases, it's rather  
6 difficult.

7                   The other item that we're allowed to do  
8 in the LAR that would be important to CRD would be  
9 exceptional items. That's an ability to ask for, in  
10 the case of CRD, additional general revenue. So for  
11 the Texas Workforce Commission Legislative  
12 Appropriation Request for '08-'09, the TWC had to take  
13 a 10 percent mandatory general revenue reduction. We  
14 took those reductions -- the Commission took those  
15 reductions in our Project RIO program and our Skill  
16 Development program. The Civil Rights Division was  
17 left whole. There was no general revenue taken from  
18 CRD for this LAR cycle.

19                   Then after we submit the LAR, between  
20 September and December, before the Leg comes to town,  
21 there's a whole series of questions. Our LBB  
22 analyst --

23                   COMM. KHALIFA: Wait. Wait. Wait. I  
24 got -- I mean --

25                   MR. CRUMP: Yes, sir.

1                   COMM. KHALIFA: Why is the TWC -- why is  
2 the TWC being so nice to us?

3                   MR. CRUMP: Sir, I advocated strongly on  
4 behalf of the CRD --

5                   (Laughter)

6                   MR. CRUMP: -- and was very successful.

7                   (Laughter)

8                   COMM. KHALIFA: No. I mean, because if  
9 they had a 10 percent --

10                  MR. CRUMP: Seriously. I'm sorry,  
11 Commissioner.

12                  COMM. KHALIFA: If they had a 10 percent  
13 budget cut across the board, why wasn't our budget  
14 affected?

15                  MR. CRUMP: In what we presented to the  
16 Commissioners -- and they had various options. One  
17 option we presented was a 10 percent reduction in all  
18 strategies that had general revenues. We also  
19 presented options -- and these were staff options that  
20 the Commissioners considered in Open Meeting; there  
21 was other options around the whole program. They  
22 decided it's easier from a whole program perspective  
23 because they're looking forward to when we go to the  
24 Legislature and they're looking for the exceptional  
25 items.

1                   One of the thing that you normally do  
2 when you have a general revenue reduction is you  
3 submit an exceptional item for all of those various  
4 programs that took a cut. In other words, you go back  
5 to the Leg if you believe -- if there's a strong  
6 belief that those programs need to be fully funded at  
7 the level they were in the current budget cycle, you  
8 ask for those dollars back. When you're sitting in  
9 front of Senate Finance and House Appropriations, you  
10 would prefer to have three or four strongly supported  
11 programs as opposed to a list of 20 or 30.

12                   And I apologize for being facetious.

13                   COMM. KHALIFA: No. No. It was good.

14                   MR. CRUMP: Okay. Thank you.

15                   (Laughter)

16                   CHAIR ANDERSON: And that also would  
17 have a 10 percent reduction in the general revenue  
18 side, which is only a third of our -- about a third of  
19 our total budget. Correct?

20                   MR. CRUMP: Yes, sir, but you always  
21 have to remember, in the case of CRD, although it's  
22 not strictly matching funds, we do match those GR  
23 dollars with the EEO dollars to perfect cases. So a  
24 reduction on the general revenue side would have  
25 impacted the performance measures for the Civil Rights

1 Division.

2 CHAIRMAN ANDERSON: Okay.

3 MR. CRUMP: Commissioners, continuing.

4 So then after August, between September  
5 and December, there's a lot of questions and  
6 clarifications that we are asked by the Legislative  
7 Budget Board or the Governor's Office of Budget  
8 Planning and Policy.

9 Then, in January, the Legislative Budget  
10 Board submits a draft appropriations bill to vote  
11 House Appropriations and Senate Finance. At that  
12 time, our Legislative Appropriations Request -- this  
13 is a copy -- it really doesn't apply at that point.  
14 This is the draft document that House Appropriations  
15 and Senate Finance will now look at. So what happens  
16 is we look at this document and then we report back to  
17 the Commissioner the deltas, what has changed from the  
18 Legislative Appropriation Request to the draft  
19 appropriation bill submitted by the LBB.

20 What was very nice this session, because  
21 you may have read in the papers there was certainly  
22 additional dollars at state level, the 10 percent GR  
23 reductions were restored to almost all agencies, and  
24 certainly were restored to the Texas Workforce  
25 Commission. So, therefore, we had submitted an

1 exceptional item for Project RIO. That item was taken  
2 off; we didn't have to ask for those dollars back.  
3 And dollars were restored to the Skills Development  
4 Program. So the exceptional items to restore us back  
5 to our original base were restored in the draft bill.

6                   What then happens during session,  
7 certainly there's testimony provided to House  
8 Appropriations and Senate Finance on the draft  
9 appropriation bill, and we're also preparing fiscal  
10 notes. There's a lot of bills that are submitted by  
11 Members. I think we're tracking something in excess  
12 of 250 bills, and so -- for example, I think Robert's  
13 got three or four. We estimate the impact -- each  
14 bill that goes through the session has to have an  
15 estimated fiscal impact. We call them "fiscal notes."  
16 So we estimate the impact of the bill. "Is it going  
17 to cost us more to do that business or can we do it  
18 within existing resources or is it going to save the  
19 state money?" And all those process through the TWC.

20                   Then as you go through the process --  
21 where we are right now, House Appropriations has  
22 submitted to the full House their draft appropriations  
23 bill, and that has passed. So that's now over on the  
24 Senate side. Senate is completing their action on  
25 their proposed appropriations bill. Once it passes

1 the Senate, it goes to the House. Then there's a  
2 conference committee and it's composed of Members of  
3 both House Appropriations and Senate Finance and they  
4 will work out the difference.

5 At the higher level -- and you may have  
6 read this in the paper, basically the house bill is  
7 about \$3 billion above the base bill submitted by the  
8 LBB. The senate bill is about -- is a little less  
9 than \$4 billion, and they'll work out the differences.  
10 So once that happens, then the dollars that we submit  
11 in the LAR and then process through the appropriation  
12 bill form the basis for our budget.

13 CHAIR ANDERSON: That's 3 or 4 billion  
14 for the biennium.

15 MR. CRUMP: Oh, yes, sir. Correct.

16 CHAIRMAN ANDERSON: For two years.

17 MR. CRUMP: Right. Yes, sir.

18 CHAIRMAN ANDERSON: Okay.

19 MR. CRUMP: Sorry. But, again, that's  
20 at the -- obviously, at the state -- complete state  
21 level.

22 So then we come back to TWC. The  
23 appropriation bill is passed. Then we prepare our  
24 internal operating budget, if you will, for Fiscal  
25 Year '08 based on what was appropriated. For the

1 Civil Rights Division, what's most important is the  
2 dollars that we submitted in the LAR were the same  
3 dollars that were requested in the appropriations bill  
4 and we see no reason why they won't be approved and  
5 adopted by the Leg.

6                   If I could take you through, quickly,  
7 the excerpt of the CRD portion. The only thing that's  
8 not on this excerpt is what are known as "outcome  
9 measures."

10                   Robert talks generically about  
11 performance measures. There's actually different  
12 types. There's outcome measures, output measures and  
13 efficiency measures. Just based on LBB instructions,  
14 the outcome measures are all -- for all strategies are  
15 collected elsewhere in the document, but what you see  
16 here are the output measures, the efficiency measures;  
17 the objects of expense, if you will, salaries and  
18 wages and those kinds of things; how the dollars --  
19 how this strategy is financed. You see general  
20 revenue funds we've talked about.

21                   Then you see the federal bonds, which is  
22 Fair Housing and Employment Discrimination, some  
23 appropriated receipts and inter-agency contracts.  
24 Generally, CRD receives those dollars from doing  
25 training or personal policy reviews for state



1 the same challenge on all of our other federal fund  
2 sides, Temporary Assistance for Needy Families,  
3 Workforce Investment Act. So we have to cull those  
4 dollars out and provide that salary increase while  
5 we're still trying to meet the level of services that  
6 were appropriated.

7                   Oftentimes what we, if you will, on the  
8 Workforce and Unemployment Insurance sides do, we're  
9 looking for automated ways to reduce manual efforts.  
10 We're looking for ways to save FTEs' salary dollars so  
11 that we don't have to reduce staff and we can still  
12 meet our performance measures. So it's kind of a  
13 balancing act. And certainly that's something that,  
14 at the executive team level, if that were to happen,  
15 we sit down with each Division Director and kind of go  
16 through "What can we do? What can we not do," and we  
17 present that to our Commission.

18                   That's probably the largest mitigating  
19 factor that's out of our control except when, on the  
20 federal side, the funds are reduced. Let me give you  
21 an example.

22                   I've mentioned the Workforce Investment  
23 Act. There's a potential rescission in the  
24 President's budget of \$325 million across all 50  
25 states. I'm not sure what Texas' share of that would

1 be, but let's just say \$15 million. So even though we  
2 projected the Workforce Investment Act revenue from  
3 the feds on what we had received in the past, what  
4 might be appropriate on the federal budget side may be  
5 \$15 million less. It's then incumbent upon TWC staff  
6 to make recommendations to our Commissioners as to  
7 where we cut things to stay within that \$15 million  
8 less worth of revenue that we had projected.

9                   COMM. KHALIFA: And that could mean cuts  
10 to our Division.

11                   MR. CRUMP: Not for Workforce Investment  
12 Act, but let's talk about -- let me give you an  
13 example for Civil Rights Division.

14                   Let's assume that the reimbursement rate  
15 for doing EEO -- for perfecting EEO complaints was  
16 reduced. That's exactly how it could impact Civil  
17 Rights Division. So if your reimbursement rate is  
18 less, if we don't have general revenue to compensate  
19 for it and we can't be more efficient in perfecting  
20 complaints to lower the average cost, you're going to  
21 have to do -- we would have to do -- we would have to  
22 perfect fewer complaints.

23                   COMM. KHALIFA: Not do as much.

24                   MR. CRUMP: Yes, sir. Correct.

25                   So those are some of the mitigating

1 factors that are always happening with those agencies  
2 that have both general revenue and federal funds. And  
3 the planning process, like I said, that's -- that's  
4 kind of a challenge. The planning process starts two  
5 years out, and so you're always trying to adjust. And  
6 there are ways to advise the Legislative Budget Board  
7 and the Governor's Office. Robert has talked about  
8 explanation of variances, EOVs. That's certainly a  
9 valid reason. If your federal funds are cut, you're  
10 not going to meet a performance measure, and it's  
11 certainly a valid reason.

12                   COMM. WIPF: If there is an  
13 appropriation for the cost of living increase, is  
14 there also an allowance that you put on top of other  
15 expenses like on repairs, maintenance and rents, being  
16 that petroleum is going up and all of these are going  
17 to go up in the last -- next two years, too? Is there  
18 any percentage allotted for that?

19                   MR. CRUMP: No, ma'am. The Legislature  
20 does not do that. They expect agencies to meet those  
21 performance measures within the dollars appropriated.

22                   I mean, it's what we do. It's -- I  
23 don't know if it's bad or good, but there's not cost  
24 of living adjustments placed anywhere in the -- in any  
25 of our strategies. There may be some in some of the

1 other agencies I'm not aware of.

2                   COMM. KHALIFA: It's what you're telling  
3 us, it's a big game and you just got to know how to  
4 play it?

5                   MR. CRUMP: Commissioner, let me  
6 respond this way: We don't look at it that way. We  
7 look at it as "This is" -- "This is what we do."  
8 It's this is -- I'm not sure there's a better way to  
9 run the process. I mean, certainly the Legislature,  
10 the TWC Commission, the Commission on Human Rights has  
11 oversight. You-all expect us to do the very best job  
12 we can. We look at it like we're running a business.  
13 Sometimes in businesses your revenues fall. You're  
14 still trying to support your customers at the level  
15 you supported before your revenues fell; so you look  
16 for innovative ways to do that. That's what we as  
17 staff try to do. So it's --

18                   COMM. KHALIFA: Doesn't it mean -- when  
19 you're in business and revenue falls, it means you  
20 have fewer customers to take care of.

21                   MR. CRUMP: Yes, sir. Sometimes it  
22 does. Sometimes you may find a better way to build a  
23 mousetrap.

24                   One of the things that we're able to do,  
25 if you will, in some of the other programs we have is

1 we're able to automate things. We're -- let me give  
2 you an example.

3                   On the Unemployment Insurance side, we  
4 collect taxes from employers. We are improving the  
5 way that employers can pay taxes online. There's an  
6 automation project that will be completed here in May  
7 that will actually allow employers to pay their  
8 employment taxes with a credit card so we won't be  
9 processing checks. If I'm not processing checks, I  
10 don't need the manual -- I don't need people there to  
11 open envelopes, you know, stamp the check and do it.  
12 It's all done electronically.

13                   CHAIRMAN ANDERSON: As far as perfecting  
14 cases, we don't have much control over that. You  
15 know, we're going to get whatever cases come through  
16 the door, whatever is sent to us by the feds. And if  
17 we've got less dollars because they've lowered the  
18 rate --

19                   MR. CRUMP: Yes, sir.

20                   CHAIRMAN ANDERSON: -- then, normally,  
21 unless we figure out a better way to be more  
22 efficient, we're going to have higher age cases we're  
23 not going to be able to dispose of as quickly.

24                   MR. CRUMP: Yes, sir. And we talked a  
25 little bit about -- we mentioned the Fair Housing

1 and -- The Fair Housing Academy that goes on in  
2 Washington, D.C. As our staff becomes more  
3 experienced and we retain staff, I would say,  
4 generally speaking, they'll be able to, I'll say,  
5 perfect cases faster because they are better trained  
6 and more experienced.

7                   So there are other ways to overcome  
8 losses in revenue, but I freely admit sometimes  
9 there's nothing to be done. And it's a tough choice.

10                   COMM. KHALIFA: What do you mean by  
11 "tough choice"?

12                   MR. CRUMP: Well --

13                   (Simultaneous discussion)

14                   MR. CRUMP: -- in terms of reducing  
15 customer services. I mean, you just have -- sometimes  
16 the Commission would say if there's less revenue and  
17 we've looked at every innovative option available to  
18 increase the efficiency, if you will, on perfecting a  
19 case, then the only thing we can do is recognize we're  
20 going to serve fewer -- we're going to be able to  
21 perfect less complaints. And, again, that's what I  
22 meant by a tough choice, Commissioner.

23                   CHAIR ANDERSON: You got less -- if you  
24 ended up reducing head count, then, obviously, you're  
25 not going to process as many cases.

1                   COMM. KHALIFA: Right.

2                   CHAIRMAN ANDERSON: Commissioners  
3 James -- well, all the Commissioners, any more  
4 questions for Gene and Daryl concerning the finances  
5 and the budget process or do you want some time to  
6 digest this and maybe talk about it again in the  
7 future?

8                   COMM. KHALIFA: I want to thank you --

9                   MR. CRUMP: Oh. Yes, sir.

10                  COMM. KHALIFA: -- for your  
11 presentation.

12                  COMM. JAMES: Good graphs, too.

13                  MR. CRUMP: And, Commissioners, quite  
14 honestly, if you're ever in town meeting with Robert  
15 privately and you want a little bit more definition  
16 around this, we can go in certainly a lot more detail,  
17 but that's kind of the high level overview.

18                  COMM. JAMES: Thank you.

19                  COMM. WIPF: Thank you.

20                  CHAIR ANDERSON: Thank you, Gene.

21                  Mr. Gomez, let's proceed.

22                                 AGENDA ITEM NO. 4

23                  MR. GOMEZ: Yes, sir. The next item on  
24 the agenda, I believe, is the Employment Enforcement  
25 Section. And Vickie Covington, who is Team 1

1 Investigation Manager and Special Projects Manager,  
2 will present this information.

3 MS. COVINGTON: Good morning,  
4 Commissioners, visitors and staff. For the record, my  
5 name is Vickie Covington. And before I provide you  
6 with the Employment information, I'd like to give you  
7 a brief overview of some of our special projects that  
8 the CRD is involved in.

9 As you may recall, the Division is in  
10 the process of conducting the Katrina Education and  
11 Outreach Project. This is the follow-up to the  
12 Katrina and Rita Education and Outreach Project  
13 conducted in 2006. The current project is primarily  
14 focused on the Katrina and Rita evacuees, the public  
15 and housing providers located in Beaumont, Port  
16 Arthur, Bryan/College Station, Killeen, Temple, Fort  
17 Hood, Longview, Tyler, Texarkana, Victoria and Waco  
18 MSAs. We are in the process of contracting with two  
19 Fair Housing partners who will coordinate and conduct  
20 the majority of the outreach efforts in Longview,  
21 Tyler and Beaumont, Port Arthur, and we're also in the  
22 process of coordinating outreach efforts in the other  
23 MSAs.

24 We have conducted one outreach event at  
25 The University of Mary-Hardin Baylor in which

1 approximately 600 people participated. At least two  
2 of these individuals identified themselves as Katrina  
3 evacuees.

4                   The Division's outreach efforts in Tyler  
5 will be a combination of Katrina Project and Itinerate  
6 Investigator Project and will require close  
7 coordination with our Tyler partner and other  
8 contracts in Tyler. Our target for outreach in Tyler  
9 is in May. This month, we will coordinate the release  
10 of PSAs in Tyler which will cover both Employment and  
11 Housing. We will also coordinate the release of  
12 Katrina Education and Outreach Project PSAs and all  
13 the MSAs upon approval from HUD.

14                   The Division is in the process of  
15 applying for an education and outreach grant, better  
16 known as SuperNOFA, in which we will focus our  
17 outreach efforts in Midland/Odessa, Big Spring,  
18 San Angelo and Abilene. These areas have been  
19 identified as having under-served populations because  
20 there are no private or government fair housing  
21 organizations in or near these areas.

22                   In addition, the Division's staff  
23 attended race and color equal employment opportunity  
24 training on February the 7th of 2007. This eight-hour  
25 training session was presented by the U.S. Equal

1 Employment Opportunity Commission staff.

2 Are there any questions regarding our  
3 special outreach projects?

4 (No response)

5 MS. COVINGTON: If there are no  
6 questions, then I'll go over the Employment  
7 information. For the first two quarters of the fiscal  
8 year, 505 charges were filed and 515 were resolved.  
9 Our average ending inventory was 272 cases. If you  
10 compare the last fiscal year first two quarters, we  
11 had 478 cases filed, we closed 532 and we had an  
12 ending inventory of 302 cases.

13 Are there any questions regarding this  
14 information?

15 CHAIR ANDERSON: That sounds better  
16 than -- that sounds better than what we were talking  
17 about earlier. I mean, it sounds like the cases --  
18 the inventory is down and -- am I missing something?

19 MR. GOMEZ: Yes, Chair Anderson, the  
20 inventory is down. The only thing is that in order  
21 for our investigators to be able to close the cases  
22 that their performance standards call for, we do have  
23 to increase the inventory of cases in their individual  
24 inventories.

25 And when we started this, we foresaw



1 an age problem in the Employment side.

2 MR. GOMEZ: No. No, sir. No, sir.

3 That problem -- the opposite problem,  
4 like I stated before, seems to be in the Housing area,  
5 and Investigations Team 2 Manager, Alice, will present  
6 that -- well, Cynthia Washington will present that for  
7 Investigation Team 2 for the Housing area in detailing  
8 the information as to our age cases because we have an  
9 abundance of cases in the Housing area.

10 MS. COVINGTON: Next slide.

11 This slide shows our Employment cases by  
12 type of closure. What I'd like to bring your  
13 attention to is the "no fault settlement" and the  
14 "withdrawal with settlement." The no-fault  
15 settlements for Fiscal Year 2007 represent  
16 approximately 6.4 percent of our resolutions and the  
17 withdrawal with settlements represent 11.65 percent of  
18 our resolutions. If you add those two figures  
19 together, you'll note that the number is approximately  
20 18 percent. And that compares with last year our  
21 merit resolutions of 14.8 percent.

22 The Division identified several cases as  
23 potential cause. However, the cases, upon further  
24 investigation, resulted in no-cause findings, were  
25 settled or complainants requested notice of right to

1 file a civil action so they could pursue their cases  
2 through private litigation.

3 As of the end of February, the total  
4 amount of affirmative relief for complainants for the  
5 Division as a whole was \$1,016,933. And later on  
6 Mr. Gomez will share with you the amount of relief  
7 that was acquired by ADR through mediation sessions.

8 Are there any questions?

9 (No response)

10 MS. COVINGTON: Next slide.

11 This slide shows the combined total of  
12 ADA, ADEA and Title VII case closures. The next three  
13 slides will break these out separately.

14 As a comparison for Fiscal Year 2006 and  
15 Fiscal Year 2007, last year this time, our disability  
16 cases represented 17.87 percent, and this year, they  
17 represent 17.66 percent. Our age cases represented  
18 22 percent. This year, they represent 23 percent.  
19 Last year, our Title VII cases represented 55 percent.  
20 This year, they represent 59 percent. And most of you  
21 will recall that last year we also investigated some  
22 Chapter 22 complaints, and that accounts for the  
23 differences in some of those numbers from last year.

24 Are there any questions?

25 (No response)

1 MS. COVINGTON: Next slide.

2 For the disability closures, last year,  
3 approximately 15 percent of these were resolved  
4 through either no-fault settlement agreements or  
5 withdrawals with settlements. This year, that number  
6 is at 23 percent; so there's a significant increase in  
7 the merit resolutions for the disability closures.

8 Are there any questions pertaining to  
9 this information?

10 (No response)

11 MS. COVINGTON: Next slide.

12 As far as the age closures, last year,  
13 they were at 15.9 percent. This year, they are at  
14 10.8 percent. So there has been a decrease in the  
15 merit resolutions for age cases.

16 CHAIR ANDERSON: Any particular reason?

17 MS. COVINGTON: We have not been able to  
18 determine whether there is a specific reason for -- it  
19 could have something to do with the actual training  
20 that -- private industries. They may be more geared  
21 towards the disability complaints and the Title VII  
22 complaints -- or vice versa.

23 Any other questions?

24 (No response)

25 MS. COVINGTON: Next slide.

1                   On the Title VII complains, here again,  
2 the merit resolutions are up from 15 percent last year  
3 to 19 percent this year.

4                   Any questions?

5                   (No response)

6                   MS. COVINGTON: Next slide.

7                   And this shows the age of our pending  
8 Employment cases. We continue to improve on  
9 increasing our cases that are in the zero to 179 days  
10 category. Right now, these cases represent almost  
11 88 percent of our charges. And as you can see, the  
12 other categories are significantly lower than that.  
13 We do have approximately 3.2 of our cases in the over  
14 365 days, and those cases continue to be our major --  
15 or at the top of our priority list.

16                   Are there any questions?

17                   (No response)

18                   MS. COVINGTON: If there are no  
19 questions, I will be followed by Cynthia Washington,  
20 and she will provide the Housing information.

21                   AGENDA ITEM NO. 5

22                   MR. GOMEZ: I would like to give a brief  
23 introduction to Cynthia Washington. She is the Team  
24 Leader or Investigation Team Lead for Team 2, and the  
25 reason that she volunteered to give these -- the

1 report on Housing is because Alice MacKenna was -- is  
2 the Manager for Team 2 -- Investigation Team 2 was out  
3 due to surgery and other personal time needed. She  
4 was out nearly five weeks. In that interim, Cynthia  
5 did take over the team. She led it very well. I'm  
6 here to say that she did an outstanding job as Interim  
7 Manager for Team 2 and so we gave her this as a  
8 perk --

9 (Laughter)

10 MR. GOMEZ: -- to come before you and  
11 present the information for Housing. So with that,  
12 this is Cynthia Washington.

13 MS. WASHINGTON: Thank you, Robert.

14 Good morning, Commissioners, staff and  
15 guests. For the record, my name is Cynthia T.  
16 Washington. I am the Team Lead for Team 2 for the  
17 Civil Rights Division and I will be reporting the  
18 Housing performance for the second quarter. Very  
19 slowly, I might add.

20 Okay. Are we ready?

21 (No verbal response)

22 MS. WASHINGTON: As you review the  
23 inventory for the Housing cases, you will note that  
24 our receipts continue to increase. The Housing ending  
25 inventory for FY '05 was 108 while in Fiscal Year '06

1 the ending inventory was 196. And to date, the ending  
2 inventory is 229. And we will contribute that to our  
3 effective outreach program that is led by Vickie  
4 Covington.

5 Are there any questions?

6 (No response)

7 MS. WASHINGTON: Very good.

8 Next slide, please.

9 The figures in this slide speak for  
10 themselves. For this reporting period, you will note  
11 that the Civil Rights Division has closed 137 Housing  
12 cases and we have also charged one case. I would also  
13 like to point out that we have forwarded 12 cases to  
14 our Regulatory Enforcement Division for their review  
15 and legal assistance. The reason for those cases  
16 being forwarded is because before we charge them as  
17 potential cause cases we would like to try to  
18 conciliate them first. However, if they don't  
19 conciliate, we will charge them as cause cases.

20 Are there any questions?

21 (No response)

22 MS. WASHINGTON: Other than I'm very  
23 nervous. Okay.

24 CHAIR ANDERSON: You're doing fine.

25 MS. WASHINGTON: Thank you.

1                   Next slide, please.

2                   This slide reflects the aged Housing  
3 cases. You'll notice that our Housing cases continue  
4 to rise and they are aging. Due to our efforts in our  
5 effective outreach program, the cases that are aging,  
6 we are taking steps to reduce that number. We're  
7 asking Alice and Vickie to review those cases,  
8 particularly the ones that are 200-plus-days old. So  
9 with their -- their objective is to close as many  
10 cases as possible. If not, they will request  
11 additional information and return them back to the  
12 investigator for processing.

13                   Any questions?

14                   (No response)

15                   MS. WASHINGTON: Great. Okay. Next  
16 slide, please.

17                   This slide --

18                   COMM. KHALIFA: What's the average that  
19 it takes to close a case?

20                   MS. WASHINGTON: It depends.

21                   MS. MacKENNA: What was it?

22                   MS. WASHINGTON: The average days for a  
23 Housing case.

24                   COMM. KHALIFA: I mean, you have some  
25 that are 30 days old. You have some that are --

1 MS. WASHINGTON: I'm sorry?

2 COMM. KHALIFA: You have some that are  
3 different ages, but how long does it normally take to  
4 close? Average.

5 MS. WASHINGTON: Well, first of all, it  
6 depends on the complexity of the case. Design and  
7 construction could take a little better than 100 days.

8 I may need to defer to Alice.

9 MR. GOMEZ: Let me interject some  
10 information, Commissioner Khalifa. It does depend on  
11 the type of case, the complexity of the case. Also,  
12 if you recall, on our EOV for the Division,  
13 explanation of variance for the target measures -- not  
14 necessarily in Housing, but impacts overall, the  
15 investigative team, we did have several new staff.  
16 There is a learning curve.

17 When staff that was previously with the  
18 Division left the Division, we had to reassign their  
19 cases. A lot of these were Housing cases. The clock  
20 was already ticking on these cases. And, of course,  
21 when you reassign it to another investigator, they're  
22 already this many days old or this many days into  
23 after filing. That's one of the reasons.

24 The second reason is that overall --  
25 because of our outreach and education measures,

1 overall -- and I'm saying "overall" within the  
2 Division and overall within the region for HUD, cases  
3 have increased immensely. And so when you have all of  
4 these cases coming in into your inventory, then you  
5 can only do so many in so much time.

6                   The time frame that we look at that's  
7 been given to us by HUD is 100 days, but because HUD  
8 understands the EO, number one, with our staff  
9 situation, and, number two, they understand also  
10 because they're encountering the similar situation  
11 that the cases have increased in everyone's inventory,  
12 they're giving us a waiver on this 100 days to process  
13 the cases. So they also -- HUD has the similar  
14 situation; and also the other PHAPs in the state of  
15 Texas and also across the country have similar  
16 situations. So they're waiving that because usually  
17 in those cases that are aged they pay a percentage of  
18 the cases, depending on how much time over the 120  
19 days, 100 days that you take to make a determination  
20 on those cases, but they know that this situation  
21 exists; so they're waiving that.

22                   Going back and answer your question, it  
23 should take the investigator -- an experienced  
24 investigator that's gone through their six-month  
25 learning curve period to process a case -- from being

1 assigned to making a determination in a case, we look  
2 at 100 days, but, of course, when you have this many  
3 cases to work, then that's going to put you back on  
4 some cases.

5 CHAIR ANDERSON: Are you deferring other  
6 cases to other agencies, other city agencies, Corpus  
7 Christi, Austin, Dallas, Fort Worth?

8 MR. GOMEZ: Well, what we have done is  
9 we have asked -- as part of our plan to address the  
10 age cases, CRD has asked HUD -- and, in fact, just  
11 this morning we received word back from Gary who is  
12 the Regional Director for HUD. We had asked a waiver  
13 of cases for 90 days -- a 90-day waiver of cases.  
14 That means that any cases that they get that they're  
15 going to assign to us, not to assign them to us for 90  
16 days.

17 Well, since they're in a similar  
18 situation and they can't handle the amount of cases,  
19 the response that I did receive this morning was that  
20 he was willing to give us a waiver of 60 days. So  
21 we're getting a 60-day waiver. And as Cynthia  
22 mentioned, we're also having the Managers, Vickie and  
23 Alice, are looking at all the cases that are over 200  
24 days old. We have also obtained an agreement with HUD  
25 where most of those cases can be reviewed, and, if

1 possible, to be closed administratively and they will  
2 accept those closures and give us payment on those  
3 closures. Because like I say, if this situation  
4 didn't exist, HUD usually pays us a percentage of what  
5 the case will pay in resolution if we're certain days  
6 over the 100 days.

7                   But that was part of our plan. Those  
8 are two steps that we're going to take. Another is  
9 the restructuring of the investigators to address more  
10 cases -- more age cases.

11                   COMM. KHALIFA: Thank you.

12                   MS. WASHINGTON: Okay. Thank you.

13                   Next slide, please.

14                   Housing Happenings: In March, HUD  
15 hosted a regional training that was attended by 14  
16 investigators -- Investigator V's, two Team Leads and  
17 one Manager. The training was held in Fort Worth,  
18 Texas and focused on mortgage lending and sales and  
19 design and construction, which are some of your most  
20 complex Housing cases.

21                   In addition, the training offered a  
22 session that allowed investigators to address any  
23 Housing issues outside the scope of the training.  
24 Five of the investigators remained in Fort Worth to  
25 attend TEAPOTS training, as the Division did not

1 employ those employees when training was conducted in  
2 February 2006.

3                   The HUD Training Academy has posted  
4 class dates for Weeks 1, 2 and 3 to be held in  
5 April and May of 2007. Four new investigators will be  
6 attending Week 1 in April while the remaining eight  
7 will be attending Week 2 in May. HUD, in its  
8 cooperative agreement, mandates the attendance of  
9 twelve investigators to be sent to the training  
10 academy during a federal fiscal year. The Division  
11 has both the funding and the out-of-state travel  
12 authority to send all twelve investigators.

13                   As stated before, April is Fair Housing  
14 Month. The Civil Rights Division has partnered with  
15 the Board of Fair Housing and Economics Justice Center  
16 in El Paso to conduct a Fair Housing Conference to be  
17 held April 18th and 20th and will be attended by the  
18 Division Director and the Training and Monitoring  
19 Manager.

20                   The Division has also collaborated with  
21 the City of Austin EEO and Fair Housing Office to  
22 participate in their Fair Housing Conference to be  
23 held on April 20th. That will be attended by myself,  
24 Ray Hammarth and Vickie and Alice.

25                   As reported in the last meeting, Alice

1 and Vickie have been a part of the National Task Force  
2 for HUD. The purpose of the task force is to produce  
3 a disaster recovery toolkit to be used during times of  
4 natural disasters, and that work is ongoing.

5 Are there any questions?

6 COMM. WIPF: Yes. Do we have any  
7 information as to how Texas ranks in the  
8 foreclosure --

9 MS. WASHINGTON: For closures --

10 COMM. KHALIFA: We're in the bottom --

11 MS. WASHINGTON: -- in Housing.

12 COMM. KHALIFA: -- three.

13 COMM. WIPF: Are we bottom three?

14 COMM. KHALIFA: Yeah. Us, Florida --

15 COMM. WIPF: That's good.

16 COMM. KHALIFA: -- and one other state.

17 COMM. WIPF: Wonderful.

18 The second question that I have is:

19 There are talks about the feds may be legislating the  
20 Housing regulations as opposed to right -- I think  
21 right now the states are doing their own. Is this --  
22 how is this going to impact our CRD? I'm assuming  
23 it's going to be more stringent regulations of the  
24 lenders and -- which amounted to the subprime  
25 mortgages leading to predatory lending, and, of

1 course, more cases for us. Is this going to impact us  
2 better or worse than what we already have right now?

3 MR. GOMEZ: Commissioner Wipf, I think  
4 we would need to look at the legislation and see what  
5 actually the legislation is going to say and what it's  
6 going to direct us to do, and those directives will --  
7 as partnering with HUD, will probably come through  
8 HUD.

9 It's interesting that you mention  
10 predatory lending because the conference in El Paso is  
11 going to be focusing on predatory lending, especially  
12 in the Colonias and predatory lending in general, and  
13 so that will be real good information that we'll  
14 obtain. But probably as far as to answer your  
15 question as the impact on CRD, we'll have to wait to  
16 see what actually that legislation does state and how  
17 it is written and how it will impact HUD, and,  
18 therefore, impact us as a PHAP partner with HUD.

19 COMM. WIPF: Thank you.

20 MS. WASHINGTON: Are there any other  
21 questions?

22 (No response)

23 MS. WASHINGTON: Then my presentation is  
24 concluded. Thank you for your attention and I will  
25 turn you over to Mr. Gomez.

1                   CHAIR ANDERSON: Cynthia, you did a fine  
2 job.

3                   MR. GOMEZ: Thank you, Cynthia.

4                   AGENDA ITEM NO. 9

5                   CHAIRMAN ANDERSON: I'd like to go out  
6 of order right now. I think that -- is there any  
7 reason for John or Susanna to be here other than the  
8 Closed Session, Executive Session, or do we have  
9 anything for Executive Session?

10                  MR. MOORE: We have one briefing for you  
11 for Executive Session.

12                  CHAIR ANDERSON: Then my suggestion is,  
13 if the Commissioners agree, that we go into that now,  
14 and that allows them to leave if they need to do other  
15 things, and then we'll come back on the regular  
16 agenda. Because you're covering Mr. Robertson's items  
17 anyway. Right?

18                  MR. GOMEZ: Yes, sir. I sure am.

19                  CHAIR ANDERSON: Is everybody in  
20 agreement with that?

21                  COMM. JAMES: Sure.

22                  COMM. WIPF: Sure.

23                  COMM. KHALIFA: Yeah.

24                  CHAIRMAN ANDERSON: Then we're in recess  
25 to go into Executive Session.

1 Do I need to read that, Susanna?

2 MS. HOLT: Yes.

3 CHAIRMAN ANDERSON: Okay. The following  
4 items may be discussed in Open or Executive Session  
5 and have action taken in Open Meeting:

6 Governmental Code Section 551.074, the  
7 appointment, employment, evaluation, reassignment,  
8 duties, discipline, dismissal, accomplishments,  
9 performance, goals, responsibilities of the Texas  
10 Workforce Commission Civil Rights Division Director.

11 And, in fact, I shouldn't have read  
12 that, because that's not what we're going to be  
13 discussing. We'll be discussing cases under b and c,  
14 which is -- b, actually. Government Code Section  
15 551.071(1), contemplated litigation or pending  
16 litigation of Texas Workforce Commission Civil Rights  
17 Division v. Henry Carter, et al, and Civil Rights  
18 Division v. Sugar Land/Fort Bend Real Estate, Inc.,  
19 doing business as RE/MAX Southwest.

20 Are those the only two items on the  
21 closed session?

22 (No verbal response)

23 CHAIR ANDERSON: We're in recess at  
24 10:20.

25 (Executive Session: 10:20 a.m. to 10:30 a.m.)

1                   CHAIRMAN ANDERSON: It's 10:30 and we're  
2 going to go back in Open Session. There was no action  
3 required on the two items we discussed under  
4 Government Code Section 551.071(1), the Civil Rights  
5 Division versus Henry Carter, et al; Civil Rights  
6 Division versus Sugar Land Real Estate, Inc. d/b/a  
7 RE/MAX Southwest. No action was required by the  
8 Commission.

9                   AGENDA ITEM NO. 6

10                   CHAIRMAN ANDERSON: We're back on the  
11 regular agenda. And, Mr. Gomez, if you would proceed.

12                   MR. GOMEZ: Yes, sir. Thank you.

13                   For the record again, Robert Gomez,  
14 Division Director for the Civil Rights Division.

15                   I am going to present the information  
16 that normally is presented by Mr. Tony Robertson. He  
17 is with the National Guard and he's out in the field.  
18 He was going to attempt to be here because not only  
19 did he want to present his information but also I  
20 think he was on the agenda to present a training, and  
21 I'll address that training that he was supposed to  
22 present a little later on when I finish with his  
23 information. But basically that's why I'm presenting  
24 the information for Mr. Robertson, he's out serving  
25 our country somewhere in Oklahoma, I believe.

1                   At this point in time, I would like to  
2 address the Training and Monitoring Section Projects  
3 and accomplishments in the last three months. Direct  
4 your attention in your handout to Page 12 where I'll  
5 start with the ADR, alternative dispute resolution  
6 report.

7                   This report shows to you there -- I'll  
8 give you the year to date, and if you have any  
9 questions, please ask me. Cases assigned to  
10 mediators, year to date, 442. Cases returned to  
11 investigations, 297. These two numbers -- I'd like to  
12 point out that these two numbers are reflective of the  
13 fact that we have placed our ADR function in front of  
14 our investigative function. In other words, when we  
15 get a case into the Division that is perfected, a  
16 perfected case, it first goes to our ADR Section.  
17 They get 45 days in which to get the individuals to  
18 the table. If they don't, then they send the case  
19 back to investigations to be assigned to an  
20 investigator. Their turnaround, as far as the ADR  
21 Section is concerned, has been very good, and this is  
22 keeping in line with the fact that we want to maintain  
23 a fair to good inventory of cases for each of our  
24 investigators.

25                   CHAIR ANDERSON: Would you explain

1 quickly for the Commissioners and for me what a  
2 "perfected" case is?

3 MR. GOMEZ: Perfected case is a case  
4 that has the information that we can start. We have  
5 established jurisdiction. We have obtained a  
6 complaint that has been signed and notarized by the  
7 complaining party, and, basically, we are ready to  
8 contact the respondent for their information so we can  
9 proceed with the investigation.

10 Previously, the Division was accepting  
11 unperfected contacts or letters or intake  
12 questionnaires from complaining parties, but we have  
13 an agreement with the Austin Equal Employment and Fair  
14 Housing Office, as Austin does have an intake contract  
15 with EEOC whereas we don't. They get paid \$50 for  
16 each intake they process; therefore, we have that  
17 agreement, we get to forward all of this non --  
18 incomplete information -- or nonperfected complaints  
19 to them. They get credit as far as them taking it as  
20 an intake and then processing it as an intake and then  
21 getting paid through their contract with EEOC. And  
22 we, therefore -- when we receive these cases, usually  
23 they come back to us and we receive them as perfected  
24 cases.

25 So that is basically what the process is

1 doing now as far as us placing the mediation process  
2 in front of the investigative process, is we receive  
3 those perfected cases. And then if mediation -- ADR  
4 cannot bring them to the table or are unsuccessful in  
5 their mediation, then they are referred back to the  
6 investigation section.

7                   Mediation conferences held are 125 by  
8 our three mediators. And no-fault settlements,  
9 including withdrawal with benefits, number 88 year to  
10 date. And cases closed with no-fault settlements or a  
11 notice of right to file civil action, 115.

12                   I do want to point out, as Vickie  
13 briefly mentioned, that our settlement -- monetary  
14 amount for settled mediations for year to date -- this  
15 is including March, last month -- the ADR Section has  
16 been able to obtain monetary amount of settled  
17 mediations over a million dollars, \$1,036,232. This  
18 money represents money that is not spent by either  
19 party in private litigation, which saves them money.  
20 Also, we look at mediation as a win/win situation; so  
21 this money reflects that as far as settlements. And,  
22 also, there is an impact or a cost in doing business  
23 whenever you have a case that is investigated, goes  
24 through the investigative process and also is taken to  
25 court through private litigation. So this is what

1 this settlement amount basically represents.

2 Next slide.

3 CHAIR ANDERSON: Is that just Employment  
4 cases or do you mediate Housing cases also?

5 MR. GOMEZ: Just Employment cases at  
6 this time. Housing cases go through conciliation from  
7 the onset when they're assigned to an investigator.

8 Any questions?

9 (No response)

10 MR. GOMEZ: The next slide or the next  
11 graph will show you the EEO compliance training,  
12 number of 4-hour workshops conducted. Those requested  
13 by agencies and institutions of higher education year  
14 to date are nine; requested by private employers years  
15 to date are three; and training as per Section 21.556  
16 of the Texas Labor Code number eight for the year --  
17 year to date. That gives us a total of twenty for  
18 this fiscal year.

19 Any questions on those numbers?

20 (No response)

21 MR. GOMEZ: The next graph or slide,  
22 Equal Employment Opportunity and Housing presentations  
23 conducted, the number of EEO presentations conducted  
24 year to date are ten and the number of Housing  
25 presentations conducted are eight. That number of

1 Housing presentations, since this number is reported  
2 from also our special projects, will very likely  
3 increase once we start going out there to the areas  
4 that Vickie mentioned that are affected by our special  
5 projects with HUD. So those should increase as we get  
6 into the fiscal year -- or towards the end of the  
7 fiscal year.

8 CHAIR ANDERSON: Is that "Bernites,"  
9 your outplace or your special projects --

10 MR. GOMEZ: Yes. Special  
11 Projects/Outreach Coordinator/Investigator is Bereniz  
12 Moreno and she's --

13 CHAIRMAN ANDERSON: Bereniz?

14 MR. GOMEZ: Bereniz.

15 CHAIRMAN ANDERSON: Bereniz. Okay.

16 MR. GOMEZ: And so she's the one that,  
17 basically, is our Itinerate Investigator also. We  
18 were fortunate that she has been trained in both  
19 Employment and Housing and is our Outreach  
20 Coordinator, that she's able to do out there -- to go  
21 out there to our Itinerate Investigator Offices and  
22 basically be a one-person show out there representing  
23 investigation, outreach, networking and training and  
24 monitoring also. So, yes, sir. That's the  
25 individual.

1                   CHAIRMAN ANDERSON: She's going to do a  
2 lot of traveling.

3                   MR. GOMEZ: Yes. She's been chalking up  
4 those travel miles.

5                   Okay. If there's no other questions,  
6 we'll go to the next slide or the next graph that will  
7 give you information on individuals at events.

8                   Individuals At EEO training, 120.  
9 Individuals at EEO presentations, 4,255. Individuals  
10 at Housing presentations, 6,777 year to date. So  
11 that's quite a sizable number. That indicates the big  
12 difference with our performance measures which targets  
13 only compliance EEO trainings or presentations versus  
14 the number of individuals receiving EEO, Housing, CRD  
15 Training and Outreach Education. It's a very big  
16 number and a big difference in that.

17                   Questions?

18                   (No response)

19                   MR. GOMEZ: If not, we'll continue on  
20 with personnel policies and procedural system reviews.  
21 On-site reviews conducted year to date have been 20.  
22 Those that have been certified in compliance with the  
23 TCHR Act are 13. And those that have not been  
24 certified are zero.

25                   Again, there is a difference in the

1 number between the certified compliance reviews, which  
2 is 13, and the ones that have been either initiated,  
3 conducting or pending approval, which number 20. And  
4 the number that we do report as far as a performance  
5 measures -- LBB performance measures are those that  
6 have been approved or completed; so that gives you the  
7 difference. And we will meet our target in that area  
8 by the end of the fiscal year.

9 CHAIR ANDERSON: What happens with those  
10 seven that fall between the reviews being conducted  
11 and the compliance?

12 MR. GOMEZ: Basically those are just  
13 captured on our report that we use, Chair Anderson.  
14 And as far as on a monthly basis, we keep tabs or we  
15 keep the statistical information on our key measures,  
16 on our non-key measures, and also we have an area that  
17 captures information for management purposes -- these  
18 we consider as management performance measures -- and  
19 we capture the total number of persons that have been  
20 trained or outreached or networked with, also the  
21 amount of settled mediations and also captures any  
22 number of on-site personnel policy reviews that have  
23 been initiated, conducted and are pending approval  
24 versus the non-key measure from the LBB that only  
25 captures those personnel policies and reviews that

1 have been approved by CRD. And there is where the  
2 difference is.

3 CHAIR ANDERSON: What happens to those  
4 agencies that are not complying with the Act?

5 MR. GOMEZ: Well, basically, what our  
6 Enforcement responsibility is that we review the  
7 policies. We do an on-site. We let them know what is  
8 out of compliance, if there is anything out of  
9 compliance. They usually ask for technical  
10 assistance. We provide that technical assistance.

11 And 100 percent of the time they come  
12 into compliance. They say, "Okay. We'll change this  
13 as you have stated based on the TCHR Act." And that's  
14 why we have zero that are not certified, because if we  
15 conduct a personnel policy review, more than likely  
16 that -- if any items are found out of compliance, that  
17 agency or institution of higher education will come  
18 into compliance by asking us for technical review --  
19 or technical assistance.

20 CHAIRMAN ANDERSON: So you would assume  
21 that it would be 20 out of 20 after you do -- you  
22 provide your technical assistance?

23 MR. GOMEZ: Safe to assume that. Yes,  
24 Chair Anderson.

25

1 AGENDA ITEM NO. 10

2 MR. GOMEZ: At this point in time, since  
3 Tony was supposed to provide you a training over the  
4 processing of these policy reviews, I think I have a  
5 handout -- well, I do have a handout of the PowerPoint  
6 presentation that Tony Robertson was going to present.

7 Again, he does apologize for not being  
8 able to be here to provide that training. At this  
9 point in time, I'm going to go ahead and hand out that  
10 information for you and he has asked me to ask you-all  
11 if you want him to provide this training upon your  
12 review of those training slides at your next meeting.

13 When he asked me, I said, "Well, I'll  
14 present it because that sounds like a really good  
15 idea. They get this information and then you come  
16 back and present the training at the next meeting."

17 CHAIR ANDERSON: Well, I'll let all the  
18 Commissioners speak for themselves, but my preference  
19 would be to let us just look at these slides. We'll  
20 let Tony talk with us in July, particularly in light  
21 of the fact that a couple of us -- three of us have to  
22 go to the Capitol in relatively short order.

23 MR. GOMEZ: Okay. Yes, sir.

24 CHAIRMAN ANDERSON: Is everybody in  
25 agreement?

1 (Simultaneous responses)

2 MR. GOMEZ: Thank you.

3 AGENDA ITEM NO. 6

4 MR. GOMEZ: The next slide, if there's  
5 no additional questions on the policy reviews, is the  
6 report on the firefighter reviews. 22 reviews have  
7 been completed to date; all reviews determined to be  
8 in compliance with Chapter 21 Texas Labor Code.

9 And on that one, I'd like to relate it  
10 back to the non-key measure that we have established  
11 by the LBB. And our target is 10; so we've more than  
12 exceeded that amount by double, having 22 completed  
13 this fiscal year --

14 COMM. KHALIFA: For the year? 10 for  
15 the year?

16 MR. GOMEZ: -- for the year. Yes. Yes,  
17 sir. And so we are exceeding that target measure from  
18 the LBB.

19 And that concludes my presentation for  
20 the Training and Monitoring Section. Again, Tony does  
21 relay his apologies for not being able to tear away  
22 and be out here. He said if he could he would show up  
23 in his military get-up and fatigues or whatever, but  
24 he couldn't get away. He's out in the field.

25 Any questions?

1                   COMM. KHALIFA: Thank you.

2                   MR. GOMEZ: All right. That concludes  
3 our presentations, Chair Anderson.

4                   AGENDA ITEM NO. 11

5                   CHAIR ANDERSON: Let's wrap it up today  
6 with a couple of items.

7                   We do have our next meeting on July  
8 11th, and the one after that is October 3rd.

9                   There were a couple of action items, and  
10 I -- other than the training, I don't know if we have  
11 any action items for next time. We will carry that --  
12 Tony's presentation over to the July meeting.

13                   I'm going to go through each one of  
14 these action items, and if we need to have more done,  
15 then we -- please speak up. If not, then we'll  
16 consider that for Becky to drop off with a completion  
17 date of either today or whatever the completion date  
18 happened to be:

19                   "Breakdown on the diversity of the  
20 state." Commissioner Khalifa clarified he's not  
21 concerned about diversity of the Division but the  
22 Division has good, experienced staff.

23                   Is there anything more that you would  
24 like to add on that, Commissioner Khalifa, or are you  
25 satisfied with that?

1 (No verbal response)

2 CHAIRMAN ANDERSON: "More information in  
3 regards to customer service satisfaction -- or  
4 customer satisfaction survey, prepare a trend analysis  
5 for the information received to date."

6 Has that been done? I don't know that  
7 anybody has received that. I haven't.

8 There's not going to be any action items  
9 or any action -- or votes taken; so Commissioner  
10 Khalifa is going over to the Muslim Day.

11 By the way, any other Commissioners that  
12 want to attend, I'm sure, are welcome.

13 COMM. KHALIFA: At eleven o'clock,  
14 there's the prayer, the invocation at the Senate, and  
15 then at two o'clock me and you and Robert are giving a  
16 presentation to the whole group, if any of you want to  
17 come.

18 CHAIRMAN ANDERSON: Robert is.

19 (Laughter)

20 CHAIRMAN ANDERSON: I'm just going to  
21 say "Welcome."

22 COMM. KHALIFA: Thank you.

23 CHAIRMAN ANDERSON: Let's go ahead and  
24 finish up.

25 So the trend analysis, I don't think

1 you've provided that; so we would need that.

2 MR. GOMEZ: We will check on that, Chair  
3 Anderson, but I get indication that we did put that  
4 information together. We'll check on that and we will  
5 surely send it to you-all.

6 CHAIRMAN ANDERSON: You can send it to  
7 us electronically or fax to Commissioner Santiago.

8 MR. GOMEZ: Yes, sir.

9 CHAIRMAN ANDERSON: Commissioner James  
10 would like a trend analysis on the closure for  
11 Employment and Housing for the past five to ten years.

12 Did you receive that, Commissioner, and  
13 is that what you needed?

14 COMM. JAMES: You know, I can't recall.  
15 I believe I did and was --

16 CHAIR ANDERSON: Would you like it  
17 resent?

18 COMM. JAMES: That might be useful. I  
19 believe my questions were answered.

20 MR. GOMEZ: I believe that was prepared  
21 by, also, my Executive Assistant, Becky, and we can go  
22 ahead and send it to you again, Commissioner James.

23 COMM. JAMES: I actually recall it.

24 CHAIRMAN ANDERSON: Why don't you go  
25 ahead and send it to all of us, if you don't mind.

1 MR. GOMEZ: We will do that.

2 CHAIRMAN ANDERSON: "Current 2006 cash  
3 flow to the Commissioners," where do we stand on that?  
4 I don't remember if we got a cash flow.

5 MR. GOMEZ: Was that an attachment in  
6 the booklet as far as the cash flow?

7 MS. SMITH: (Indicating).

8 CHAIRMAN ANDERSON: That would probably  
9 come from -- oh, okay. You're right. That is in the  
10 book. It is in the book.

11 The dollar amounts expended for staff  
12 bonuses, it says sent here.

13 MR. GOMEZ: Yes. We sent it out.

14 CHAIR ANDERSON: Did the Commissioners  
15 get that?

16 (Simultaneous responses)

17 CHAIRMAN ANDERSON: Commissioner  
18 Santiago?

19 (No verbal response)

20 CHAIRMAN ANDERSON: "On all action  
21 items, put a footnote 'Per Action Item of, blank,  
22 meeting'." And Becky will be doing that.

23 "Attempt to send the action items prior  
24 to the end of the 2006 calendar year." That's also  
25 done.

1                   Printing of the training session, which  
2 we didn't get to today, will be done in July.

3                   MR. GOMEZ: Yes, sir.

4                   CHAIR ANDERSON: "Overview of the budget  
5 process," that was completed today.

6                   Do any of the Commissioners want  
7 anything more on the budget process? We certainly  
8 could ask -- any time -- they can call Daryl or Gene  
9 any time they want to -- they're in Austin -- set up  
10 an appointment so that you have a good understanding,  
11 because a lot of what we do we have to have a good  
12 understanding and handle on the fiscal responsibility  
13 that we have for oversight.

14                   Chair Anderson will meet -- and I've  
15 actually talked with Chair Rath. There is nothing at  
16 this -- the last two items concerning testifying  
17 before Members of the Senate Committee or the -- for  
18 the Legislative Session. There is nothing right now.  
19 There's no items that really affect us in any dramatic  
20 way.

21                   And has anybody found out, either Becky,  
22 Robert, about confirmations for the Commissioners?  
23 That was the last item on the action.

24                   MS. SMITH: If you-all will recall, we  
25 had a judge come in and confirm all of you-all. We

1 signed the paperwork and it was sent all in.

2 CHAIRMAN ANDERSON: No. He just gave us  
3 a notice. Confirmation is actually going before the  
4 Senate Committee and saying "Commissioner Santiago,  
5 what are your qualifications to be on the" -- you  
6 know, what issues, and they ask some specific  
7 questions -- they may ask some specific questions.  
8 You know, "Chair Anderson, what is your thought about  
9 the Commission?"

10 MR. GOMEZ: We will check on that, Chair  
11 Anderson, because if I recall, we did go through that  
12 process where -- last legislative session where we  
13 waited -- what -- from one o'clock 'till about close  
14 to seven o'clock in the afternoon. Yes. And so we  
15 will check on that and see if we can find information  
16 on that confirmation process for the Commissioners.

17 CHAIRMAN ANDERSON: Okay. The only  
18 action item that I see is the training for next time.

19 MR. GOMEZ: Yes, sir.

20 CHAIR ANDERSON: Ms. Thomas, do you have  
21 anything you want to bring before the Commission?

22 MS. THOMAS: No, thank you.

23 CHAIRMAN ANDERSON: Which reminds me:  
24 Is there any more training that we need to perform for  
25 staff or do you have new people that need to go

1 through some training that we need to coordinate with  
2 Ms. Thomas?

3 MR. GOMEZ: Not that I can think of at  
4 this time. I am having my Team Leads and Managers go  
5 through the management type of trainings. We received  
6 an updated list and they're signing up for those  
7 trainings, Chair Anderson.

8 Also, as far as staff is concerned, we  
9 are going to be receiving additional training from  
10 EEOC. We're trying to coordinate that with the other  
11 PHAPs in the state of Texas, and we will probably be  
12 hosting that training, and, of course, we have all  
13 investigators that have already signed up and made  
14 their travel arrangements to attend the HUD training  
15 Academy in Washington, D.C. And those are the  
16 trainings that are coming up.

17 AGENDA ITEM NO. 12

18 CHAIRMAN ANDERSON: Okay. Anything any  
19 of the Commissioners wish to bring forward before we  
20 adjourn?

21 (No response)

22 CHAIRMAN ANDERSON: Not adjourn. We're  
23 closing.

24 (Laughter)

25 CHAIRMAN ANDERSON: Okay. It is 10:50

1 and we are closed. Thank you-all for attending.

2 (Proceedings concluded at 10:51 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 11th day of April 2007.

17

18

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PATRICIA GONZALEZ  
20 Certified Shorthand Reporter  
CSR No. 6367-Expires 12/31/08  
21 Firm Certification No. 276  
Kennedy Reporting Service, Inc.  
22 Cambridge Tower  
1801 Lavaca Street, Suite 115  
23 Austin, Texas 78701  
512.474.2233

24

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