

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

PUBLIC MEETING FOR THE)
COMMISSION ON HUMAN RIGHTS)
TEXAS WORKFORCE COMMISSION)
CIVIL RIGHTS DIVISION)

COMMISSION MEETING

WEDNESDAY, APRIL 15, 2009

BE IT REMEMBERED THAT at approximately
9:00 a.m., Wednesday, the 15th day of April 2009, 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 Human Rights
Commission, Texas Workforce Commission - Civil Rights
Division; and the following proceedings were reported
by Janis Simon, a Certified Shorthand Reporter, in the
State of Texas.

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

2 WEDNESDAY, APRIL 15, 2009

3 (9:00 a.m.)

4 AGENDA ITEM NOS. 1 & 2

5 CHAIRMAN ANDERSON: Okay. Good morning,
6 everyone. This is the April 15th, 2009 meeting of the
7 Civil -- the Commission on Human Rights, and we want
8 to welcome everyone to -- to the meeting.

9 We've got a lot of items to take care of
10 today, including a -- an Executive Session. And --
11 but the first thing we want to do is recognize former
12 Commissioner Wipf for her service. So, if you'll join
13 me up front.

14 (Brief pause)

15 CHAIRMAN ANDERSON: It's my pleasure
16 to -- to recognize Commissioner Wipf. She came on
17 the -- the Commission back when it was an independent
18 agency in 2002 and has been extremely conscientious
19 and dedicated to the employees and the mission of --
20 of the Civil Rights Division, Commission on Human
21 Rights. And she -- her term expired in January --
22 February of 2008.

23 So, it's my pleasure to present a plaque
24 to Commissioner Wipf in appreciation for your years
25 and dedication of service to making Texas a better

1 place to work and live 2002 to 2008. Commissioner
2 Wipf, congratulations, and thank you --

3 (Applause)

4 CHAIRMAN ANDERSON: Do you want to say
5 anything?

6 COMM. WIPF: Yes, I would like to.

7 First of all, I would like to thank you
8 for this. And I felt like I just came on, but I guess
9 it's time to go. I really felt privileged to serve
10 the Commission and the people of Texas, and I've been
11 through many bumps along with the employees in this
12 Commission.

13 When Texas Workforce Commission helped
14 us or took over and we became a part of it, I honestly
15 felt like I was a step -- we were stepchildren. But
16 looking back -- and this is my personal feelings, that
17 we are fortunate to have this big stepmother come to
18 our side and help us, redirect us, because now I feel
19 like we were teenagers that were getting out of
20 direction and we needed a lot of help.

21 And, Texas Workforce Commission, I thank
22 you very much, because you have been a great help.
23 You showed us the way and guided us, and I really felt
24 very good having been with Texas Workforce Commission.

25 I have met a couple of the new

1 Commissioners, and we have a very diverse group of
2 Commissioners, which will help us bring -- bring us
3 closer to our goals. And that is, we can get closer
4 to that -- that purpose of excellence that we -- we
5 promise the people of Texas that we will do both in
6 housing and employment.

7 I would like to congratulate also our
8 staff and our director, and I would like to -- to
9 continue seeing you doing the best job that you can
10 ever be, because we are here for a purpose. And I
11 know that we will get there. Thank you, again.

12 Congratulations to the two of you.

13 And good-bye to everybody. I'm walking
14 out of here with a big heart, and lots of prayers and
15 more success to Texas Workforce Commission CRD
16 Division. And thank you for bringing me back here so
17 I can properly say good-bye.

18 (Applause)

19 (Brief pause)

20 AGENDA ITEM NO. 3

21 CHAIRMAN ANDERSON: Item No. 3:

22 Discussion, consideration, and possible action
23 regarding activities conducted for the second quarter
24 of Fiscal Year 2009. And we'll discuss attendance,
25 the regularly scheduled meeting, biweekly, monthly,

1 Texas Workforce Commission Civil Rights Division
2 meetings, presentations, and outreach meetings for the
3 government entities and customer and division
4 services, Mr. Gomez.

5 MR. GOMEZ: Good morning, Chair
6 Anderson. Good morning, Commissioners.

7 For the record, my name is Robert Gomez.
8 I'm the Division Director.

9 And, yes, I will provide the director's
10 report. You will find that in the -- behind the
11 Director Tab in your handout. I will cover the
12 meetings, expanded presence project update, which I
13 will just mention. And then, Mr. David Trinidad, who
14 is our Outreach Coordinator, will come and present
15 information in detail and at -- and at length as to
16 what we're doing in our expanded presence projects and
17 also our outreach projects, and he'll provide you that
18 information.

19 I will update you on the staffing
20 report, networking and contact update, again, which I
21 will touch on and then, David will come up and give
22 you some additional details on that; summit/conference
23 attendance, customer service survey evaluation, and
24 future goals for Team CRD.

25 The following are the high -- highlights

1 for my activities since January 14th, 2009, as listed
2 there. Conducted meetings with the Civil Rights
3 Management Team, the CRMT meetings. That's -- usually
4 we try to hold those on a monthly basis, every two
5 weeks, if there are items that we need to discuss
6 regarding Team CRD.

7 Conducted weekly telephonic meetings
8 with Chair Anderson. That's every Wednesday morning
9 at 8:30.

10 Attended meetings with TWC CRD staff.
11 We will have a general full staff meeting tomorrow
12 with staff, and we have coordinated that with your
13 meeting so we can have that every -- that full staff
14 meeting every three months.

15 Attended weekly TWC executive staff
16 meetings with Executive Director Larry Temple. And
17 also -- it says on there attended bi -- bi-weekly TWC
18 Commission Meetings. But since the Legislature came
19 into session, we have been having those on a weekly
20 basis.

21 Met with representatives of the Border
22 Fair Housing & Economic Justice Center to discuss
23 co-sponsorship of the Center's Fair Housing Summit in
24 April 2009. This is in -- in coordination with this
25 month, which is National Fair Housing Month. They

1 will conduct their -- or put on their summit in
2 El Paso on April 30th. We have been supporting the
3 Fair Housing -- the Border Fair Housing & Economic
4 Justice Center for the last four years or since I took
5 over as Director.

6 And this year we'll be doing the same.
7 We'll be sponsoring. We are -- as a partner with HUD,
8 it is requested by HUD that we -- during National Fair
9 Housing Month that we put summits, workshops,
10 presentations, so on and so forth, for outreach and
11 disseminating information regarding fair housing.

12 So, this is one of the events that we
13 co-sponsor, and we go out there. We set an exhibit
14 booth up and we also conduct a workshop or -- I will
15 have the opportunity to be on a panel, a panel
16 discussion, to take general questions from the
17 attending individuals.

18 Participated in telephone conference
19 with representatives from HUD concerning the SuperNOFA
20 debriefing. Basically, what we did is we requested a
21 debriefing based on the fact that our grant submission
22 was not accepted. And, again, since this is a special
23 project, David Trinidad will give you additional
24 detailed information on what actually occurred during
25 this debriefing.

1 Met with TWC staff concerning proposed
2 legislative changes regarding state requirements for a
3 complainant more stringent than federal requirements
4 for housing cases. This is still in the works. We
5 are working with Mr. Jesse Lewis, who is with our
6 External Relations Division here with TWC.

7 We're working to have our state rules
8 and regs mirror the federal regs, as requested by HUD,
9 on requiring a notary from a complainant. And that's
10 in the works, and the last update I did receive from
11 Jesse is that they're work -- they're still working on
12 that.

13 Participated in the TWC Fiscal Year
14 2010-2011 Budget Work Session. Attended the TWC
15 Quarterly Performance Briefing Meeting.

16 Participated in a meeting concerning the
17 business impact analysis. This business impact
18 analysis we have already drafted a -- a plan for Team
19 CRD. It's a first draft, and this is being worked on
20 by Manager Tony Robertson and one of his staff
21 members, Mr. Mohamed Attafi, who is our IT safety
22 officer.

23 And so they're working on it together.
24 They have submitted the draft plan, as I stated. And
25 the response from Auditing was that -- or from

1 Business, I'm sorry, is that our plan looks very good.
2 Now, we just need to work on the actual details and
3 names and -- and insert those in that plan.

4 Participated in a Webinar training
5 regarding the Americans with Disabilities Act. As
6 you-all probably already know and are aware of, the
7 ADA went through some amendments starting the -- this
8 calendar year as of January 1st, 2009. So, there was
9 a Webinar that was offered to us to participate in on
10 the ADA, and management staff attended that. We
11 gathered valuable information, and we shared it with
12 our investigative staff.

13 Met with TWC Chairman Pauken's staff to
14 discuss the reporting of number of individuals
15 received Civil Rights training at the TBCs, Texas
16 Business Conferences. And basically what we did is we
17 established whether or not we were going to capture
18 and report the figures that we had been capturing and
19 reporting due to the fact that we had one of our staff
20 members from Team CRD that was participating at the
21 TBCs with Chairman Pauken's office. But since we no
22 longer have that individual under our -- or within
23 Team CRD, but the presentations will -- were to
24 continue or are to continue, we needed to discuss how
25 those numbers were going to be reported for -- in

1 relationship to Team CRD or TWC as a whole. And so we
2 did meet with them and discussed, and we came up
3 with -- with an understanding on those numbers.

4 In the process of hiring individuals to
5 fill vacant Investigator 2 position and Trainer Review
6 position, which is a specialist position. The
7 Investigator 2 or Intake position, we have reposted.
8 It will be reposted through HR.

9 It has been vacant since mid February,
10 so we're -- we are very anxious to fill this position.
11 It is a critical position for the division. It's the
12 initial contact for any complainant calling in or
13 walking into our offices.

14 Therefore, we need this position filled.
15 Currently, that task or responsibility is being
16 rotated among our investigators, and they're backing
17 up the other intake investigator that we have on
18 board.

19 The Training Reviewer, Tony Robertson,
20 who is a manager of this position for Team 3, the
21 Training and Monitoring Section, we conducted the
22 interviews. We have submitted our packet to HR this
23 morning before the meeting. So, it's in HR, and we
24 did -- like I stated before, we did conduct
25 interviews, and we have identified the qualified

1 applicant for the position.

2 The last bullet on there, following the
3 new contacts made, you see just one there. It's been
4 very busy in the office. We've been taking care of
5 business in the office, but it -- that should increase
6 for next time, for the next quarter. As I stated
7 before, we do have several -- hopefully several events
8 that we will be attending during this month of April
9 being National Fair Housing Month.

10 I did want to share with you, as part of
11 my report also, is the customer service survey
12 evaluation. We had 50 responses. And for the first
13 time ever that I can recall since we've been doing
14 this all the responses fell under "strongly agree" and
15 "agree." We didn't have any that fell under
16 "disagree" or "strongly disagree."

17 And, again, just to bring you up to
18 date, questions are five: Was -- was staff courteous
19 and helpful? Did staff provide accurate information?
20 Did staff provide timely response to inquiries? Was
21 staff knowledgeable of CRD procedures? And would you
22 recommend our service or TWC CRD services to others?
23 And, as I stated before, for the first time that I can
24 remember and -- and for the first time ever, I guess,
25 we did receive all the responses under "strongly

1 agree" and "agree." So, I did want to share that with
2 you.

3 At this point in time I do not have any
4 additional information to share with y'all regarding
5 the -- what the highlights of my activities have been
6 since we last met. So, at this point in time, I'd
7 like to open it up to questions in case you have any.

8 CHAIRMAN ANDERSON: We can probably get
9 into this when we get into finances, but as far as
10 some of the discussions we've had in the past
11 concerning the shortfall and -- and what you-all's
12 plans are there. So, we can -- we can get into that
13 when Daryl or Gene give their -- give their
14 information.

15 AGENDA ITEM NO. 4

16 MR. GOMEZ: All right. In that case,
17 then let me bring up Daryl so he can give you the
18 report on the Team CRD budget.

19 MR. STEGLICH: Good morning, Chair
20 Anderson, Commissioners. For the record, my name is
21 Daryl Steglich, Texas Workforce Commission, Finance
22 Division. I'm going to present information regarding
23 the budget and revenues and expenditures to date with
24 projections.

25 The first slide that I'd like to start

1 with deals with numbers of cases closed. Starting
2 with the EEOC cases -- current cases closed through
3 the end of February we had 555. Our goal for the year
4 is 1120.

5 It looks like we're going to be pretty
6 close to that. We had 107 closed in March, which --
7 which should put us -- if our average is around 93
8 closed per month, should bring us in on our EEOC total
9 cases closed.

10 For -- for HUD, currently, we have a
11 hundred -- through February we have 154 cases closed.
12 That averages 26 cases per month, which we need to
13 average 32 per month in order to be able to have a
14 380, which is our goal for the year as far as the HUD
15 cases.

16 We've -- we'll need to average 39 closed
17 cases per month for the rest of the year, and
18 that's -- that includes an adjustment in March where
19 we had 31 cases closed. We'll need to average 39
20 cases for the rest of the year in the months to make
21 our revenue projection goal.

22 CHAIRMAN ANDERSON: Fiscal year?

23 MR. STEGLICH: Fiscal year, yes, sir.

24 Now, I'll move to the next -- the next
25 slide. This is -- this is the translation of the

1 cases into the dollars associated with them, and I'm
2 going to primarily talk about the reddish -- reddish
3 columns in the bar graph.

4 Assuming our projected cases closed in
5 EEOC and HUD, along with the rest of the revenues that
6 we have, on the left side, the bar graph, is the
7 revenue. It's \$2.5 million, a little bit over 2.5
8 million.

9 Our projected expenditures at this point
10 in time are approximately \$2.6 million. If our goal
11 of the 380 HUD cases is not met, then we could
12 possibly have a shortfall of around \$80,000 for the
13 year as far as the budget is concerned.

14 Now, moving onto the next --

15 CHAIRMAN ANDERSON: Well, let's not move
16 so quick. Where do we stand? I mean, how does -- how
17 is it handled if we're -- if we end up with a
18 shortfall? I mean, is that -- is that within the
19 margin of error, or do we -- do we have to take some
20 type of affirmative action in order to --

21 MR. STEGLICH: Okay. From -- from a
22 practical standpoint, I'll -- and I'll leave the
23 programmatic discussion with Mr. Gomez. But from a
24 cash basis we can make it through the end of the year.
25 We have -- not included in our budget at this point

1 about \$100,000 of additional funding that was received
2 after the budget was put together.

3 We have not put that in the budget at
4 this point in time. My understanding is that some of
5 that is going to be for outreach so that not all of it
6 will be available to -- to -- to offset operating
7 expenses, and we have a little bit of carryforward
8 that's available to offset the cash issues. The
9 long-term effect of this is that, if we don't generate
10 revenue pretty much equal to the amount we expect our
11 expenditures to come up with on a -- on a per -- on
12 a -- on a yearly basis, at some point in time in the
13 future we will have a shortfall of cash to be -- and
14 we won't be able to pay our bills.

15 But that's not something that's going to
16 happen this year and possibly not next year. However,
17 we need to address this for future.

18 CHAIRMAN ANDERSON: The -- the
19 Legislature, in all likelihood, will give some type of
20 increase and there (inaudible) be an increase in
21 healthcare costs. Is that going to impact us
22 substantially where we're not -- we're going to have
23 to either increase the number of cases closed?

24 MR. STEGLICH: As we move forward, most
25 likely. One of the -- the unique situation with

1 the -- the Civil Rights Division is that they have
2 more or less unique funding sources. And with the
3 exception of the general revenue, which is
4 appropriated by the Legislature, any increases in
5 benefits or -- or salary increases or one-time bonuses
6 or whatever they may be, those have to be borne by the
7 revenue-generating sources. So, the -- even though
8 the general revenue, which is a small portion of that,
9 is -- would receive a little bit of a bump that's
10 associated with those items, the rest of it does not.

11 And, of course, we have to -- when we
12 pay our -- pay our salaries or whatever, it -- we
13 can't pay all of the salary increase out of just
14 general revenue. It has to be pro rata across all --
15 all sources, is my understanding.

16 CHAIRMAN ANDERSON: The -- the intake
17 position we have open, is it possible not to fill it
18 for the remainder of this year in order to help us
19 make sure that we make the -- the revenue projections
20 that you're talking about?

21 MR. GOMEZ: Chair Anderson, from a
22 program standpoint, that -- it would not be advisable
23 not to fill that position. As I stated before, it's a
24 critical position. We have two of those positions.
25 They handle all our intake, walk-ins, call-ins,

1 inquiries, contacts, so on and so forth.

2 Right now it is being rotated among the
3 investigators. And if you work with these
4 investigators on a day-to-day basis, they don't
5 appreciate their time being taken up and doing the
6 intake work when we do have those positions available.
7 And that was the very reason that, initially, I wanted
8 to establish those positions, was because this is the
9 way it was handled previously.

10 Previously to my requesting those FTEs
11 and filling those FTEs with intake investigators, it
12 was shared among the investigative staff. And they
13 didn't appreciate the time that they needed to take,
14 especially on the walk-ins, the time that it takes
15 away from their investigative duties and
16 responsibilities. And then we turn around and hold
17 them to their performance standards of meeting their
18 performance -- performance standards as far as
19 closures are concerned.

20 So, I would not advise it at this point
21 in time. What I do want to state from a program
22 standpoint, also, is that you need to remember that we
23 did receive two FTEs this fiscal year. But those two
24 FTEs cannot walk through the door and start closing
25 cases when they're hired.

1 What these two FTEs have been going
2 through, along with three others that we had three
3 other vacancies, we did hire five positions with --
4 within a four-month period, from -- I believe it was
5 July through October. And so these five positions are
6 going through a learning curve. That's where we have
7 the impact on the lack of numbers as far as closures.

8 Most of these investigators are now
9 coming out of their learning curve. Once we get them
10 on track, they came in as Investigator 3s with the
11 purpose of also reducing the expenditures that we have
12 as far as salaries for these individuals. As soon as
13 they start meeting or exceeding their performance
14 standards and they're in good standing, then we will
15 look at possibly making these investigators
16 Investigator 5s. But at the same time they do have to
17 be producing the cases.

18 At this time that's a reflection of
19 that. We hired the five new staff. As I stated
20 before, they cannot walk into the door and start
21 producing those four cases that is on their
22 performance standards.

23 We need to go through a learning curve.
24 We need to train them, and we need to expect for them
25 to meet their performance standards after one year and

1 possibly, hopefully, exceeding those standards so they
2 can benefit from the fact that they can be upgraded,
3 then, to an Investigator 5 and start producing the six
4 cases that we have established as a performance
5 standard for the Investigator 5s.

6 So, I know you've heard that before.
7 But it just goes along with the fact that this
8 division has gone through staff turnover. And that
9 was, again, another reason that we did request the two
10 additional FTEs for this fiscal year.

11 That's one of the ways that we're --
12 we're addressing the numbers or projected long-term.
13 I am glad to hear from our budget support, Daryl,
14 that, you know, we'll -- we'll be "okay,"
15 quote/unquote, for this year and possibly next year
16 because, compared to the first two years that I came
17 on board, that wasn't the fact. The first couple of
18 years was "We don't know if we're going to make it
19 through this fiscal year."

20 So, I think we're taking positive steps.
21 We're moving forward. Once this staff becomes
22 experienced and trained in closing the cases, I
23 believe we're on the right track for at least next
24 year and the following years. Again, hopefully, we
25 won't go through staff turnover. And our current

1 staff, whether it be new or tenured staff, do not
2 start performing and meeting their performance
3 standards.

4 CHAIRMAN ANDERSON: There's no guarantee
5 that there won't be staff turnover, and you'll still
6 be faced with the same thing. I didn't hear the same
7 thing that you did, that we're going to be okay. All
8 I heard is that we'll get through this year and next
9 year.

10 So, I don't know what -- this is not my
11 decision. This is the Commissioners -- all of the
12 Commissioners can input, but I'd like to see a plan
13 that make sure that -- that we do make the fiscal --
14 fiscal goals.

15 As far as this Commission is
16 concerned -- and I think maybe the other Commissioners
17 the same thing -- we're not going to be -- we're
18 not -- we're not going to be satisfied with a deficit.
19 So, if there's going to be a shortfall, there needs to
20 be some action taken to -- to remedy that. Now,
21 that's -- that's just my opinion.

22 Then, the other Commissioners can
23 certainly jump in and voice their opinions.

24 (No response)

25 CHAIRMAN ANDERSON: Seeing none, I guess

1 there's concurrence, although we -- Susanna, we are
2 not voting on that. We're just discussing it.
3 There's no vote on that.

4 MS. HOLT: There's no motion.

5 CHAIRMAN ANDERSON: But -- no motion.
6 It's just that I think we'd like to see a plan. We
7 want to see a plan where this -- this will not occur.
8 And whatever action needs to be taken that -- that --
9 that's reported to us of how we're going to remedy
10 this going forward.

11 COMM. KHALIFA: What happens if we do
12 have a deficit? How is that covered? Do we go out
13 and borrow money?

14 MR. STEGLICH: From -- you're talking
15 about for -- for the -- on a -- on a cash basis for
16 this year?

17 COMM. KHALIFA: For any year.

18 MR. STEGLICH: For -- for any year.

19 The -- it is dependent on whether or not we have
20 unbudgeted funding which, again, I'll refer back to --

21 COMM. KHALIFA: Assuming we don't have
22 the money.

23 (Simultaneous discussion)

24 MR. STEGLICH: If you don't have --

25 COMM. KHALIFA: We don't -- we don't

1 have it in budgets.

2 MR. STEGLICH: Okay.

3 COMM. KHALIFA: We don't have it in
4 unbudgets. We don't have the money. What do we do?

5 MR. STEGLICH: Okay. Then, there's a --
6 I'll defer to Mr. Crump and let him address that.

7 (Laughter)

8 MR. CRUMP: Good morning, Commissioners.
9 For the record, Gene Crump, Deputy Executive Director.

10 Basically, Commissioners, as we've
11 talked about many times, CRD operates on a piece rate
12 basis. There's a fixed amount of GR appropriated
13 for -- to support closing EEOC cases, and then HUD
14 cases supports themselves.

15 So, Commissioner, your question is --
16 when you look at the budget and you look at the
17 various types of expenses, the one -- obviously, the
18 large one, and you'll see in the next slide, is
19 salaries. So, unfortunately, what Chair Anderson kind
20 of was talking about earlier, in terms of keeping a
21 vacancy open, is reducing expenses.

22 You have no additional way -- you only
23 have two ways of generating additional revenue:
24 Closing the EEOC cases and closing HUD cases, because
25 GR is fixed. So, then you have to focus on the

1 expenditures side and reducing expenses. The large
2 one -- the only one that's material, that makes a
3 difference, is salaries.

4 So, as we've talked about here, you can
5 keep vacancies open, or in -- in the dire straights --
6 and we never like to do this, you actually have a
7 reduction in force. That's why we do predictions all
8 through the year and look at estimates as we go to the
9 end of the year.

10 As Daryl said earlier, for this
11 particular year, there's not going to be a cash
12 problem, if we continue the case closure rate as we've
13 done through the first six months of the year. So,
14 the two options that are really viable are keeping a
15 vacancy open or reducing staff. The problem that
16 Robert always faces is, if the staff is a
17 quote/unquote "revenue-producing staffer," then you're
18 cutting your revenue while you're trying to cut
19 expenses, and you don't make any ground up at all.

20 So, as -- if we were to look at the
21 staffing pattern within CRD, if you had a -- again,
22 what we talk about is a nonrevenue producing staff, an
23 admin staff, for example, then you reduce salaries
24 while your investigators are continuing the case
25 closures, you know, you would avoid that shortfall.

1 CHAIRMAN ANDERSON: Do we have --

2 COMM. KHALIFA: I still don't have my
3 question answered. I'm saying what if we get to that
4 shortfall, where do we get the money if we do have a
5 shortfall? Do we just start cutting staff? Because
6 it's too late by then to start cutting staff.

7 MR. CRUMP: Well, that's why we're
8 looking at it now, sir. Again, for this particular
9 year, that's why we're doing the projections as we
10 come back to the Commissioners every quarter. We look
11 at it on a monthly basis.

12 Unfortunately, from my perspective, I
13 can't make the program decisions. I can only look at
14 it from a -- from a fiscal perspective.

15 So, it -- let's assume we had started
16 off this year, and we were at a case closure rate
17 below what we're at this year, the first two or three
18 months. I would be looking to Robert at that point
19 saying, "Robert, what are you going to do on the
20 fiscal side to make up this delta?" And if there's
21 not a plan coming forward, then, unfortunately, I have
22 to either bring to this Commission or to my Executive
23 Director my recommendations.

24 COMM. KHALIFA: Okay. You -- you talk
25 about case closures. To have case closures, you have

1 to have cases. Right?

2 MR. CRUMP: Yes, sir.

3 COMM. KHALIFA: What if the case -- what
4 if the caseload goes down?

5 MR. CRUMP: If -- okay. So, from a
6 policy perspective, if the case -- if the caseload
7 goes down, then you have no need for the investigators
8 and the staff supporting the investigators.

9 MR. GOMEZ: Which, at this point in
10 time, Commissioner Khalifa, we don't foresee that.
11 In -- in fact, our case inventory is increasing.

12 I think what we need to look at, again,
13 as I mentioned before -- and I was reminded here that
14 I mentioned five newly-hired investigators. We
15 actually have seven, because we increased our housing
16 investigation staff, and they were brought on as
17 Investigator 3s.

18 Chair Anderson, yesterday, when we had
19 our meeting with Daryl, we basically pointed out the
20 fact that it's a double-edged sword because, as Gene
21 pointed out, if we do cut staff or -- or look at
22 cutting staff and that's our first step to address
23 this, a shortfall, which is -- again, glad to hear
24 it's not a possibility for this year. But let's say
25 in case we had to, it's a doubled-edged sword, like

1 Gene says, because if we cut our -- our
2 revenue-producing investigators, then we start all
3 over again.

4 Yes, we will cut that expenditure, which
5 is now an Investigator 3, possibly, but we will not be
6 producing those cases, which on the other end of it,
7 we do have case closures that we need to meet to -- or
8 that we need to have to meet budget. And in the case
9 of EEOC, it is a contractual agreement as to how many
10 cases we're going to close, also.

11 We don't have such a contractual
12 agreement with HUD. But since the HUD cases are the
13 ones that produce more revenue, we would like to close
14 more HUD cases.

15 So, at this point in time, you know, as
16 we discussed yesterday, Chair Anderson, again, with
17 Daryl, it is a double-edged sword. So, we need to
18 balance that and also balance the closures.

19 Again, I know this is aside from the
20 budget, but we also have the LBB target measures that
21 we need to meet. So, if we start cutting staff, the
22 support staff or other staff that's not producing
23 because we're -- we don't want to cut ourselves in
24 the -- in the revenue production area, then we also
25 have other staff that are producing to meet other

1 target measures.

2 We also have staff, the support staff,
3 that if we look into cutting that -- again, as we
4 discussed yesterday, the -- the double-edged thing, is
5 that if we start cutting support staff, our support
6 staff is already doing other tasks and
7 responsibilities that are being shared because -- just
8 an example that comes to mind is Open Records. We
9 receive an abundant request for Open Records, and this
10 is being shared among four staff. And even inclusive,
11 the print shop from TWC, because some of those Open
12 Records' requests are about so thick (indicating).

13 So, you know, in looking at it forward
14 and making the plan based on cutting here and cutting
15 there, it's a double-edged sword.

16 COMM. STIDVENT: When -- when do you
17 anticipate those -- the new investigators you've hired
18 meeting their -- their goals? So, if they were
19 hired -- when were they hired? When is their year?
20 When do you anticipate bringing them on into
21 revenue-producing levels?

22 MR. GOMEZ: Most of them are over their
23 first six-month period, and so we are requiring them
24 to close the four cases for an Investigator 3. I
25 think there's only one that is left for not going

1 through the first six-month period. We allow this
2 first six-month period for gaining knowledge,
3 experience, going to trainings, talking to staff and
4 getting experience in closing the cases. But after
5 six months we look at it, and -- and definitely
6 towards the end of the first year they have to be
7 performing up to their performance standards, which is
8 for an Investigator 3, four closures.

9 COMM. STIDVENT: So, when we look at --
10 when we meet again this summer, what we should see
11 then on these graphs, we should see an increase in
12 case closures because of those people coming on-line
13 with experience now. Is that -- is that correct?

14 MR. GOMEZ: Correct, Commissioner
15 Stidvent. Just to give you an example that -- the
16 case closures -- and -- and I realize from talking --
17 again, in our meeting that we had with Chair Anderson
18 and -- and Daryl and the management staff, there's two
19 different things that we do look at. But -- but just
20 to give you an example on the case closures, our case
21 closures have gone up, and this is the first year that
22 I've been here as the Director that every month we
23 have met the LBB target measure since September.

24 Just to give you an example for the
25 March -- for the month of March, we have exceeded the

1 target measure, and that is reflective on our
2 closures. Yes, a lot of those closures are
3 employment.

4 We have 662 employment and 185 for
5 housing, as far as closures are concerned, but that
6 still renders 847 out of the 1290 target. We're at
7 65.66, if you look at it that way. So, closures are
8 there.

9 What we need to do is to get these seven
10 newly-hired investigative staff go through their
11 learning curve, as you have pointed out. There is
12 that learning curve. And even going through a
13 learning curve, the -- the -- the learning curve that
14 we've set on our investigators is -- is very -- or
15 extremely aggressive, because we've -- I have spoken
16 to other directors and -- and disseminated that
17 information. Discussing that with my managers, they
18 agree.

19 You know, learning curves, as far as
20 housing investigation, because of the complexity,
21 because of the time, because of the detail that HUD
22 requires us on each individual case, actually you're
23 look -- in actuality, reasonable, rational, real-life
24 learning curve for these investigators will probably
25 be a --a year, if not a year and a half. And that's

1 what's being shared with me from other directors of
2 other FHAPs, not only within Texas, but outside of
3 Texas when I've spoken to them.

4 Now, the reason we go with six months
5 and the reason that we try to give these investigators
6 as much training and experience in working cases, is
7 because, as Daryl stated, our budget is dependent and
8 reflective of the closures that we have, as is evident
9 by what -- the information that's being shared here
10 this morning. So, again, we're in a balancing act
11 here. You know, we want to train these investigators
12 as soon as possible so they can get on track.

13 Just to relate that in -- from another
14 standpoint, we have a couple of Investigator 3s that
15 are already meeting and exceeding their performance
16 standards. So, it depends, also, on the individual
17 investigator, how fast they pick it up, how fast they
18 are able to apply it to their case investigations.
19 It -- there's a lot of variables that come into play
20 in as far as --

21 CHAIRMAN ANDERSON: Are there
22 investigators that are not meeting their goals?

23 COMM. KHALIFA: Yeah, that's what I --
24 that was --

25 (Simultaneous discussion)

1 MR. GOMEZ: What's that? I'm sorry?

2 CHAIRMAN ANDERSON: (Laughter) Okay.

3 COMM. KHALIFA: Can I?

4 CHAIRMAN ANDERSON: Sure.

5 COMM. KHALIFA: I understand that
6 there's -- we have some investigators that aren't
7 meeting their goals --

8 MR. GOMEZ: Yes, sir.

9 COMM. KHALIFA: -- and refuse to --
10 or -- don't think that they're reasonable and don't
11 want to play by our rules. What are we going to do
12 about them? Can we go ahead and get ones that will
13 close the cases and get rid of the riffraff?

14 MR. GOMEZ: Initially, on -- on hiring
15 the investigators, that's exactly what we want,
16 Commissioner Khalifa. We want to hire the best staff
17 possible in our interviewing and hiring.

18 COMM. KHALIFA: I'm not talking about
19 hiring. I'm talking about what we've got right now.

20 MR. GOMEZ: Yes, sir.

21 COMM. KHALIFA: The ones that don't want
22 to do their job.

23 MR. GOMEZ: Well -- and as far as the
24 reasons that they're not able to do their job, we, as
25 managers -- and I'm speaking of myself and my

1 management staff -- what we try to do is to give them
2 the training, to give them the experience, to give
3 them the tools and the equipment that they need, in as
4 far as coaching, directing, case reading, sitting down
5 with them and conducting coaching sessions. Now,
6 other than that, whether they want to "do"
7 (indicating) the job or not, we can only review that
8 on the case closures.

9 And if they're not meeting their case
10 closures, we do work very closely with HR, and we do
11 address those issues. We either put them on a
12 development plan, a performance development plan. And
13 then, if we have to escalate it to a PIP, then we
14 escalate it to a PIP.

15 But our managers, I can assure you, both
16 managers and both supervisors in our investigative
17 teams are doing all they can to provide all the tools
18 and equipment to these individuals and also to coach
19 them and try to consistently train them and direct
20 them in the right direction in closing the cases.

21 COMM. KHALIFA: That all sounds really
22 good. But I understand that those investigators that
23 we have right now, that they -- and I've talked with
24 them personally. They -- they just -- in their head
25 they're not going to do it. They can't do it, or they

1 don't want to do it. Or they think it's too much,
2 although others with less experience are closing more
3 cases.

4 What are we going to do about those
5 investigators that don't want to do their job?

6 MR. GOMEZ: We are doing what we can do,
7 according to the policies and procedures that allow us
8 to do what we can do, Commissioner Khalifa, and that's
9 what we're doing.

10 CHAIRMAN ANDERSON: Well, I think
11 what -- what you're hearing from the Commissioners --
12 and Ms. Thomas is back there, the HR Director -- is --
13 is to -- is to focus on those individuals who are not
14 performing and -- and then the real issue is not what
15 we want and not what the LBB -- I don't care what the
16 other FHAPs are doing. All I -- all we care about is
17 this FHAP, this -- this -- this -- this organization.

18 And the focus is on making sure that we
19 attain the numbers that we have to. I mean, it's just
20 like operating a business. And Mr. -- Mr. Crump says,
21 "Okay. We can make it through this year."

22 But making it through -- I'm not sure,
23 quite honestly, we are making all the goals, because
24 if there's going to be a shortfall, then we -- there's
25 one goal we're not making. Well, that's -- that's the

1 goal on cost per case. So, that's got to be below if
2 we -- otherwise, we'd be on target on that.

3 And -- and I know there's a variance in
4 there. But the variance is only that, well, you
5 stayed within the variance. It doesn't mean that
6 you're not coming up with a shortfall. Is that
7 correct?

8 MR. CRUMP: Yes, sir. Within -- within
9 state government, Legislative Budget Board target
10 allows you to stay within plus or minus 5 percent.
11 So, in the case of CRD, you -- and, again, Robert and
12 I work together on this.

13 I mean, you can remain within the target
14 plus or minus 5 percent. But because, again, we
15 operate on a piece rate basis, if we missed a target
16 on a -- on an average cost per case, then we're not
17 going to meet other financial obligations within the
18 agency.

19 MR. GOMEZ: And in as far as -- let me
20 address the cost per case, because we have discussed
21 that, Chair Anderson, at length during our Wednesday
22 morning conferences that we have and also yesterday we
23 touched on that. The cost per case, when this was
24 given to us as an LBB target, if you'll recall way
25 back when we established this as an LBB target, I

1 shared the fact that we can -- we can combine the
2 closure numbers, because we're comparing apples to
3 apples. When you have a case closed, it reflects as
4 one in employment; when you have a case closed, it
5 reflects as one in housing.

6 So, you have two case closures: One in
7 employment and one in housing. Fine. That goes
8 towards the LBB target of 1290.

9 But in the cost per case, in as far as
10 revenue versus expenditures, when you have this
11 employment case that you get paid \$550 for and you
12 have this housing case that you get paid 2 -- \$2,400
13 for, that's a big difference. You're not comparing
14 apples to apples anymore; you're comparing apples to
15 oranges.

16 So, when we combine that with the number
17 of staff we have, as our EOV states, we do -- when we
18 do not meet a -- our performance standards, and as you
19 see on the Performance Standards Measures Report that
20 I send out on a monthly basis, we do have an EOV
21 regarding that LBB target measure. And that is
22 because of the combination of cases, the newly-hired
23 FTEs, as I mentioned before, which are seven, and also
24 because the revenue that is produced is produced by 16
25 of our investigators.

1 But our -- but our staff FTE count is
2 36. So, that even needs to be distributed for the 36
3 FTEs.

4 CHAIRMAN ANDERSON: Robert, you've got
5 to live within the goals that -- that have been --
6 that's set down -- that's set forth by the LBB and
7 what you've got. I mean, you've -- what -- what --
8 what I think all the Commissioners are saying -- and,
9 certainly, you know, you've heard it from me, is that
10 we've got certain goals, and we're going to have to
11 meet them.

12 And you-all need to put together a plan
13 in -- in conjunction with the Finance people to -- to
14 come up with a way to -- to meet those goals this year
15 and going forward. And I'm -- I'm not sitting here
16 telling you, "Okay. You need to reduce head count" or
17 you need to do anything else. I mean, maybe -- maybe
18 it's some of the people are doing really well, they
19 can do a few housing cases that are on the employment
20 side.

21 I don't -- I don't know what the
22 solution is.

23 COMM. KHALIFA: Look --

24 CHAIRMAN ANDERSON: Go ahead.

25 COMM. KHALIFA: -- I know that Texas is

1 a fire-at-will state. Why is it so hard for us to get
2 rid of poor performing employees that don't want to
3 perform? And this -- I'm not talking about one year
4 or two years.

5 We've got people that have been there
6 for many, many years that just -- they do whatever the
7 heck they want to do, and we can't get rid of them?
8 Why is that? I don't understand it, and I want to
9 understand it.

10 So, somebody from Legal or HR may want
11 to address this. But we need to get rid of those
12 folks that don't want to perform.

13 MR. GOMEZ: Yes, sir.

14 MR. CRUMP: Commissioners, just as a
15 general comment, in terms of evaluating staff
16 performance and in terminating staff, within state
17 government we go through a process called graduated
18 discipline. So, we have to document performance, and
19 I -- I really can't --

20 COMM. KHALIFA: For 17 years?

21 CHAIRMAN ANDERSON: Well --

22 COMM. KHALIFA: I mean, come on.

23 (Simultaneous discussion)

24 MR. CRUMP: You run through a process
25 where --

1 MS. THOMAS: (Indicating)

2 MR. CRUMP: You bet.

3 (Laughter)

4 MS. THOMAS: I'm Jan Thomas, Director of
5 Human Resources and Staff Development, for the record.

6 As you're all aware, as the Human Rights
7 Commission, there are certain laws that we have to
8 abide by. And so TWC's policies are designed to make
9 sure that all employees are treated within the law.

10 The individuals that -- you know, and I
11 don't know who, specifically, you're talking about.
12 And if you want to talk after the meeting, we can
13 certainly look into more specifics. But we look to
14 division management to run the division, to supervise
15 their staff, and to deal with any performance problems
16 within the policies at TWC.

17 As far as I know, when CRD has had
18 issues, they have contacted us. And we have tried to
19 work with Robert and his staff to correct any problems
20 within the law and within the policies that we have.
21 And if -- you know, if that's not occurring, then we
22 will certainly, you know, get together and -- and look
23 at more details and -- and address those issues as --
24 as well as we can.

25 But, you know, I'm not aware that we

1 haven't been doing that. So, if additional work needs
2 to be done on that, we will certainly work with Robert
3 as -- as well as we can.

4 COMM. STIDVENT: Just to follow-up on my
5 fellow Commissioners' comments, I've worked in
6 government before. I understand that there's a
7 process by which you discipline employees who aren't
8 performing and that it's long and arduous and a lot of
9 times more -- seemingly more problem than it's worth.

10 But given the fiscal circumstances, I
11 would urge the Director and all managers to reconsider
12 their -- their motivation, their incentives and the
13 trouble it will take to get employees up to
14 performance standard and urge you to really spend time
15 thinking about that. Because while it is not an easy
16 task, it looks like it may be a very necessary task.

17 MS. THOMAS: Well -- and -- and it is
18 correct that the staff in the CRD are employment at
19 will, and so that -- that is true.

20 CHAIRMAN ANDERSON: It -- it sounds to
21 me like -- that the housing shortfall case -- case --
22 case short -- the shortfall that's occurring is as a
23 result of some -- some housing cases not being closed.
24 And whatever means that you have at your disposal
25 needs to be focused on that to close it, whether it's

1 management, whether it's Mr. Trinidad, whether it's
2 other people picking up the slack and also focusing on
3 those individuals who are not performing to get the
4 case closures up.

5 As Daryl said in the previous slide, we
6 need to close 39 cases in housing for the rest of the
7 year in order to -- to have some cushion going into
8 the next fiscal year --

9 (Simultaneous discussion)

10 MR. STEGLICH: No, sir, to meet -- to
11 meet the current budgetary requirements. Yes, sir.

12 CHAIRMAN ANDERSON: It's a big hill.

13 MR. CRUMP: Commissioners, if I could
14 close on a positive note. The -- the senior staff at
15 TWC -- Jan, myself, Daryl -- we're here to help CRD
16 succeed. So, if there is anything else that we can
17 do, please let us know. This is not any type of
18 adversarial relationship. We're just laying out some
19 facts and figures, and so our job is to support CRD to
20 make them successful.

21 COMM. KHALIFA: And -- and we appreciate
22 you very, very much. And this is -- that's not what
23 I'm talking about at all. I -- I mean, I understand
24 one employee didn't show up, didn't call. They didn't
25 show up for three days, and they still have a job.

1 They shouldn't have a job. They should
2 have got -- been gotten rid of.

3 MR. CRUMP: Yes, sir.

4 MS. THOMAS: And -- you know, if we need
5 to visit after the meeting, we can, you know, look --
6 look into details and see if -- if there's some
7 additional things that can be done.

8 CHAIRMAN ANDERSON: Please, Robert,
9 Gene, Daryl, put together a plan and let the
10 Commissioners know what those steps are, because July
11 is too late. I mean, the next meeting we have is
12 July. And the fiscal year ends in, what, September or
13 August?

14 MR. STEGLICH: August, end of August.

15 CHAIRMAN ANDERSON: End of August.
16 There's nothing you can do at that point, two months
17 left, by the time we meet in the middle of July. So,
18 that needs to be submitted to us electronically, if
19 that's legal. As long as we don't vote on it, they
20 can inform us of what the plan is to -- to go forward
21 to --

22 MS. HOLT: That's correct. You can
23 disseminate information.

24 CHAIRMAN ANDERSON: Okay. So, how long
25 would you need, a couple of weeks, a month? It should

1 be -- it should be less than a --

2 COMM. KHALIFA: A couple of weeks

3 should --

4 (Simultaneous discussion)

5 CHAIRMAN ANDERSON: A couple of weeks

6 should be -- should -- should be sufficient, shouldn't

7 it?

8 MR. GOMEZ: Would you repeat what

9 actually you want on that report?

10 CHAIRMAN ANDERSON: A plan.

11 MR. GOMEZ: A plan for?

12 CHAIRMAN ANDERSON: To -- to -- to meet

13 the fiscal goals, as spelled out by Gene and Daryl,

14 what we have for this -- the remaining fiscal year and

15 also for the next fiscal year. The budget -- the

16 budget hasn't been adopted by the Legislature for

17 anything past that, but we certainly know that we need

18 to make the -- make the fiscal goals for the next

19 period of time that I -- we do have a budget.

20 So, whatever steps to that you need,

21 Step 1, 2, 3, 4, in order to -- to -- to make those

22 goals.

23 Gene.

24 MR. CRUMP: Yes, sir. We'll work with

25 Robert. I mean, this is basic -- again, sir, as the

1 Commission knows, this is basically a programmatic
2 decision. But I'll certainly work with Robert to help
3 him lay something out that's acceptable to the -- or
4 that we can present to the Commission.

5 CHAIRMAN ANDERSON: No, I understand
6 it's programmatic, and the numbers are where the
7 numbers are. So --

8 MR. CRUMP: It --

9 COMM. KHALIFA: And it can't be a --
10 a -- a -- a dreamy plan. It -- it's got to be a plan
11 that we can implement and something that we can do.
12 And if it can't be reached, that's fine. We need to
13 know what -- what you can reach with the plan that
14 you're going to put in place.

15 MR. CRUMP: Yes, sir. It has to be
16 achievable to suggest that we're going to be closing
17 cases at a much higher rate to meet a specific target
18 at the end of the year that we set at the beginning of
19 the year. I'll say for the record I -- I think, as --
20 unnot reasonable, but I will certainly work with
21 Robert in terms of the numbers and put together a
22 plan.

23 MR. GOMEZ: I can work my management
24 staff and work with Daryl and Gene, and we can have
25 you a plan in 30 days, May 15th.

1 COMM. KHALIFA: Can we have it less than
2 that? Can we have it in two weeks, by the end of the
3 month?

4 MR. GOMEZ: There's going to be staff
5 out. We have the Fair Housing Month that we're going
6 to go out there and do outreach, so --

7 COMM. KHALIFA: You want May 15th?

8 MR. GOMEZ: May 15th.

9 COMM. KHALIFA: All right.

10 Is that okay with you?

11 CHAIRMAN ANDERSON: No, I don't think
12 that's -- I understand you've got something with the
13 outreach -- do we -- how -- how many people are going
14 out there?

15 MR. GOMEZ: Well, let me ask the
16 Commissioners and also yourself, Chair Anderson, by
17 when do you want this plan?

18 CHAIRMAN ANDERSON: By the end of the
19 month.

20 COMM. KHALIFA: Yeah.

21 CHAIRMAN ANDERSON: Does that require a
22 vote, Susanna? It probably does. We have a motion.

23 MS. HOLT: If you choose to take a vote,
24 you can, or you can give direction. It does not
25 require a vote.

1 CHAIRMAN ANDERSON: The end of the
2 month. And if it's, you know, the 1st of May -- I
3 don't know what the 1st of May is or the 2nd --

4 COMM. KHALIFA: The 1st is a Friday.

5 CHAIRMAN ANDERSON: Is it?

6 MR. GOMEZ: Yes, sir. Again, I will
7 work with my management staff and our TWC support, and
8 we will have a plan for you by the end of the month.

9 CHAIRMAN ANDERSON: What is it?

10 COMM. KHALIFA: May 1st is a Friday.

11 CHAIRMAN ANDERSON: May 1st, close of
12 business.

13 MR. GOMEZ: Thanks, Gene.

14 CHAIRMAN ANDERSON: Daryl, go --

15 COMM. KHALIFA: It seems like it's
16 something that's really pressing. You know, that's
17 our budget; it's money. We don't want a shortfall.
18 It seems like it would have a high priority.

19 CHAIRMAN ANDERSON: Okay.

20 MR. STEGLICH: Yeah, I have one -- one
21 slide. Next slide, please.

22 We're -- we're ready to go to the next
23 slide?

24 CHAIRMAN ANDERSON: Yes. Yes, please.

25 MR. STEGLICH: Okay. This particular

1 slide depicts where we are, as far as the main focus,
2 is the budget compared to the expended. The -- the
3 last two lines on the bottom, you can see the bar
4 graph depicts '07 and '08 for your reference.

5 But to date, as far as total expended,
6 we're at like -- we're about 47 percent of budget.
7 So, we're a little bit under the budgeted amount.
8 Now, this is basically what we set up.

9 We have some discrepancies, overages,
10 and underages, as far as the various objects of
11 expense, the salaries. Salaries are a little higher
12 than budget. Travel is a little bit lower budget.
13 Operating -- other operating is a little bit less than
14 budget.

15 But if we continue on the same trend
16 line as we currently are we'll come in at the 26 --
17 \$2.6 million budgetary projected expended amount. You
18 know, that's with the understanding that there could
19 be, you know, other expenditures that we hadn't
20 planned on or something of that nature that could
21 affect that. But as a -- from a practical standpoint,
22 it looks like at this point in time, that we'll be
23 within our budgetary constraints.

24 CHAIRMAN ANDERSON: Okay. Good.

25 MR. STEGLICH: Are there any other --

1 any questions or comments?

2 (No response)

3 MR. GOMEZ: Thank you, Daryl.

4 AGENDA ITEM NO. 5

5 MR. GOMEZ: At this point in time, I
6 will introduce Vickie Covington, who is the Manager
7 for Enforcement, Team 1, and she will provide you
8 information on our enforcement efforts in employment.

9 CHAIRMAN ANDERSON: Ms. Covington, if
10 you could go quickly through the numbers and just
11 emphasize those things that are outliers of some --
12 some reason.

13 MS. COVINGTON: Yes, Chair.

14 For the record, my name is Vickie
15 Covington, Manager, Investigation Team 1. Good
16 morning, Commissioners, and TWC staff.

17 I'll be sharing with you the employment
18 enforcement information this morning. And as you can
19 see, we had 613 cases filed for the first two quarters
20 of 2009. We closed 555 cases, and our ending
21 inventory is now at five -- or -- or was at 545 cases.
22 And this inventory has increased over last year.

23 This information shows how the cases
24 were closed overall. We continue to show an increase
25 in our merit resolutions. And just a refresher the

1 merit resolutions are those that are closed as
2 withdrawals with settlements and also -- I lost my
3 train of thought -- no fault, the first category
4 that's listed there.

5 Last year at this time our merit
6 resolutions were 15.76 percent, and this year they're
7 at 20.47 percent. That's an increase overall of 5
8 percent.

9 We had a slight decrease in our
10 disability and Title VII resolutions, and a 3 percent
11 increase in our age complaints.

12 Next slide.

13 The Americans with Disabilities Act
14 cases -- case resolutions, as far as merit, went up by
15 approximately 2 percent. Are there any questions?

16 COMM. STIDVENT: I have a question. So,
17 there's been a slight increase in case closure. What
18 has been the staffing increase over that same period
19 of time?

20 MS. COVINGTON: We've actually had a
21 staffing decrease.

22 COMM. STIDVENT: Okay.

23 MS. COVINGTON: And a correction, ADA,
24 Americans with Disability Act, there was a slight
25 increase in our merit resolutions.

1 The next slide shows our age
2 discrimination complaints, and actually those merit
3 resolutions we saw a decrease. And we actually
4 thought we would see an increase in that category
5 because of the -- the layoffs.

6 But -- next slide, please.

7 Where we're seeing the significant
8 increase is in our Title VII closures. Last year this
9 time our merit resolution was 15.34 percent, and this
10 year is 24.30 percent. And that's a 9 percent
11 increase.

12 COMM. KHALIFA: We -- we have a -- a
13 growing inventory -- we have a growing inventory --

14 MS. COVINGTON: Yes. Yes, Commissioner.

15 COMM. KHALIFA: -- and what -- why is
16 that? Why does the inventory keep growing? Are we
17 getting more and more cases or --

18 MS. COVINGTON: Yes, Commissioner.

19 COMM. KHALIFA: -- or is it -- yeah,
20 please --

21 MS. COVINGTON: We're -- we're
22 getting -- we're getting more -- we're getting more
23 cases. And right now we're able to keep pace with the
24 cases that we're receiving. We're getting
25 approximately 100 cases per month, and we're resolving

1 approximately 100 cases per month.

2 And so we're -- we're -- with the staff
3 that we have now, because we do have for the most part
4 experienced investigator staff, we're able to resolve
5 the cases. What we are -- what we had hoped to do is
6 to decrease the number of cases in our inventory that
7 are in their 251-day category and over.

8 And because we have seen an increase in
9 our inventory, an increase of approximately 17 percent
10 from this time last year, we've not been able to
11 decrease it. But, however, we have been able to keep
12 it where it is right now. We've had a 3 percent
13 increase in the aged cases versus a 17 percent
14 increase in the --

15 (Simultaneous discussion)

16 COMM. KHALIFA: How can you say we're
17 keeping it the same as going up 17 percent? I'm
18 sorry. I don't understand that.

19 MS. COVINGTON: The increase in the
20 inventory is 17 percent. The increase in the aged
21 cases has been 3 percent. So, we've been able to --

22 (Simultaneous discussion)

23 COMM. KHALIFA: Work out --

24 MS. COVINGTON: -- manage -- manage the
25 aged cases effectively to keep them from increasing.

1 COMM. KHALIFA: But it sounds like, if
2 you're doing that, you're aging newer cases.

3 MS. COVINGTON: There are cases that are
4 being aged. That's just -- because of the -- because
5 we have the increase in the receipts that we're
6 getting, that's just -- that's just an outcome of
7 having a higher inventory, having more aged cases.

8 Right now, our aged cases is at 12
9 percent, compared to 9 percent this time last year.
10 And if you'll recall we had eight investigators, and
11 we have seven now. So, with the seven staff that we
12 have, we're managing to maintain.

13 CHAIRMAN ANDERSON: Because we're
14 shifting some of those investigative numbers to the
15 housing side.

16 MS. COVINGTON: That's correct. We
17 actually sent one investigator position over to
18 housing.

19 Are there any questions? Just to --

20 CHAIRMAN ANDERSON: Do you have a
21 significant number -- what's -- what's a category that
22 you can review and dismiss pretty quickly, Category A,
23 C?

24 MS. COVINGTON: Category -- Category C
25 cases.

1 CHAIRMAN ANDERSON: C, C cases? Are --
2 are --

3 (Simultaneous discussion)

4 COMM. KHALIFA: -- those categories?
5 I'm sorry.

6 CHAIRMAN ANDERSON: Those are -- those
7 are cases that they just look at and they say, "Okay.
8 It's not -- it's not timely filed. It's not --
9 doesn't meet the criteria, don't have enough
10 employer -- employees in it," so they can -- they can
11 go through it pretty quickly.

12 You're not getting enough of those --
13 enough of those -- you're not getting those cases? I
14 mean, you can dispose of those pretty quickly.

15 MS. COVINGTON: That's correct, Chair.
16 But we have a screening process that's pretty
17 detailed. So --

18 CHAIRMAN ANDERSON: Even those cases
19 have to go -- take some time.

20 MS. COVINGTON: The -- yes. Yes, chair.
21 Because even if the employer has less than 15
22 employees, we still have to get the workforce records
23 either from the employer and sometimes even from TWC
24 if the employer is not being cooperative.

25 Are there any other questions?

1 (No response)

2 MS. COVINGTON: I would like to let the
3 Commissioners know that we are scheduled to have EEOC
4 come down and give us some new training on the new ADA
5 Amendment Act of 2008. We have had internal training.
6 The team lead for Team 1, Mr. Ray Hammarth, actually
7 gave us some training recently.

8 And John Moore actually was in on that
9 training, and he gave us some insight on what he
10 believes we're going to be seeing in the future for
11 these cases. And we do anticipate our disability
12 complaints -- we -- we anticipate an increase in
13 those, and we just want the staff to be ready for
14 those investigations.

15 Are there any other questions?

16 (No response)

17 AGENDA ITEM NO. 6

18 MS. COVINGTON: Then, I'll be followed
19 by Ms. Alice MacKenna, Manager for Team 2.

20 MS. MacKENNA: Good morning, Chair
21 Anderson, Commissioners, staff, and guests. For the
22 record, my name is Alice MacKenna, Manager with CRD.

23 This first slide, as you can see, shows
24 our current housing inventory. Our -- it's lower than
25 it has been the end of the first quarter, and -- but

1 the other significant area to note on this slide is
2 that we're closing many more cases than we are
3 receiving, which is resulting in much fewer aged
4 cases.

5 CHAIRMAN ANDERSON: All right.

6 (Laughter) We've got -- we've got -- we've got a
7 question here.

8 MS. MacKENNA: Sure.

9 CHAIRMAN ANDERSON: And that's great.

10 But if we're closing more cases --

11 MS. MacKENNA: Uh-huh?

12 CHAIRMAN ANDERSON: -- does that not --

13 MS. MacKENNA: Than we're receiving.

14 CHAIRMAN ANDERSON: -- than we're

15 receiving --

16 MS. MacKENNA: Uh-huh?

17 CHAIRMAN ANDERSON: -- how does --

18 how -- how is that not reconciling in our financial

19 situation where we're not closing enough cases,

20 particularly housing cases, in order to meet our goal?

21 It seems like -- and I'm not saying you guys aren't

22 working hard and conscientiously and doing everything

23 you can, but it seems like the numbers are not

24 reconciling.

25 It seems like we should be earning more

1 revenue for closing more cases. And that would help
2 us, unless we were so far behind earlier in the year.
3 Maybe that was it. Am I making sense, or am I -- we
4 need the financial guys back in here.

5 (Laughter)

6 MR. GOMEZ: I don't understand your
7 question, Chair Anderson.

8 CHAIRMAN ANDERSON: Alice just said we
9 had -- we're closing -- we closed 30 -- or 20 more
10 cases in this last quarter than we had cases filed.
11 We ought to be -- that ought to be generating times
12 2400, or thereabouts, much more revenue. And we
13 should be in a better financial situation than what
14 was reported by -- by Daryl and Gene just a while ago.

15 MR. GOMEZ: Well, the -- the only thing
16 I -- I can say on that is that all the cases that
17 we're closing are being reported. And, of course, we
18 submit them to HUD so we can get paid. In reference
19 to the receipts, as far as inventory, we're possibly
20 receiving less cases sent to us. So, I don't --

21 COMM. STIDVENT: Is it a question of
22 averaging? I mean, in the previous presentation, it
23 said for the HUD cases we're averaging 26. We needed
24 to average 32.

25 MS. MacKENNA: Uh-huh.

1 MR. GOMEZ: Uh-huh.

2 COMM. STIDVENT: And for the rest of the
3 year we'd have to do 39. So, is there a discrepancy
4 between, even though you're closing more cases than
5 you're receiving, they're still below the average --
6 your case closings are still below the average of
7 where you need to be? Is that the critical
8 difference?

9 MS. MacKENNA: That's correct.

10 (Simultaneous discussion)

11 MR. GOMEZ: Well -- and I'll share with
12 you, as was shared with us yesterday by Daryl, is that
13 we're talking about two totally different things.
14 When we're talking about closures, just closure
15 numbers that we have, that relates to the LBB target.

16 Now, when we're talking to closures as
17 they relate -- relate to the budget, okay, we have
18 enough closures to meet the LBB target. But, yet, we
19 don't have enough closures to meet the target. And
20 that's just because it's two different targets.

21 COMM. STIDVENT: Well, let's just talk
22 about what the Chair is talking about, which is the
23 budgetary goals. And so, if we look strictly at that,
24 even though the housing case inventory -- they're
25 closing more cases than are being filed, they're still

1 not close -- closing enough cases at the rate they
2 need to make their fiscal target. So --

3 MR. GOMEZ: Correct.

4 COMM. STIDVENT: -- for example, you
5 closed -- let's see. Take for example December, 18,
6 but we needed to be at 26 on average. And because
7 we're a little behind, you need to be 39 for the rest
8 of the fiscal year. Is that correct?

9 MS. MacKENNA: Uh-huh.

10 COMM. STIDVENT: So, for each of those
11 case closings for every month from now until the end
12 of the fiscal year, you had a good month in January,
13 38, but we still need to be at 39 for every month now.
14 Is that correct?

15 MR. GOMEZ: Correct.

16 MS. MacKENNA: That's correct.

17 MR. GOMEZ: And just to give you an
18 updated number for the month of March on the report
19 that I'm getting ready to send us out, probably this
20 afternoon, we closed 31 for the month of March,
21 housing cases. Uh-huh. And that, again, relates to
22 the fact that some of our investigators are coming out
23 of their learning curve, so --

24 COMM. STIDVENT: Chair, does that answer
25 your question?

1 CHAIRMAN ANDERSON: Yes.

2 COMM. KHALIFA: I -- I still don't get
3 the numbers. If we're -- we're going to run out of
4 cases before we make enough money, it looks like.

5 MS. MacKENNA: Not necessarily.

6 CHAIRMAN ANDERSON: No, we're -- we're
7 getting -- they're -- they're filing them. Okay.

8 MS. MacKENNA: We -- we have the ability
9 to accept every case filed in the state of Texas. We
10 don't currently do that, because if they dual filed
11 with HUD on a 504 area or some other statute that HUD
12 investigates, we don't accept that to do the Title
13 VIII portion of it, because that would be two
14 investigations going on one complaint.

15 However, we have the ability to say,
16 "We're going to accept jurisdiction on these cases,"
17 and do them. And HUD will pay us for them. So, if
18 our caseload does start going down, we have that
19 backup to say, "Okay. We're now going to accept these
20 other cases that you are currently investigating at
21 HUD."

22 Did that make sense?

23 CHAIRMAN ANDERSON: And we still have an
24 inventory, so it's --

25 MS. MacKENNA: Yes.

1 CHAIRMAN ANDERSON: -- we have a -- if
2 we worked all the way through the inventory, then --
3 then we could say, "All right. Well, we don't have
4 enough cases," but we're not --

5 (Simultaneous discussion)

6 MR. GOMEZ: Yes.

7 Commissioner Khalifa, just to add onto
8 what Alice presented, we have several management tools
9 that we -- we can do that with. You know, the -- the
10 FHIP cases, other cases that we have jurisdiction
11 over. Being the state FHAP, we can opt, and -- and I
12 could make a call to Mr. Sweeney if I see that we need
13 to increase our inventory and -- and we'll get those
14 cases.

15 So, that shouldn't be an issue. We --
16 we can -- that's a management tool that we have.

17 If you remember, a similar thing
18 happened in employment about two years ago where our
19 employment inventory was going way low, and I
20 approached the other EEOC offices to waive cases to us
21 where we were able to at that point in time, because
22 of the hurricane that occurred in -- in New Orleans.
23 That New Orleans office was closed down. Therefore,
24 the Houston EEOC office had jurisdiction outside the
25 state.

1 They were taking their cases, and then
2 Houston sent us their cases within the state of Texas
3 that we have jurisdiction over. So, we were able to
4 increase our inventory. So, we have several
5 management tools and partnership management tools that
6 we can utilize to address our inventory, whether it's
7 lack of inventory or -- or an overabundance of
8 inventory.

9 CHAIRMAN ANDERSON: Well, we just need
10 more cases -- I mean, more months like January, is
11 what we need.

12 MR. GOMEZ: Yes, sir.

13 MS. MacKENNA: Are there any questions?

14 (No response)

15 MS. MacKENNA: This next slide will
16 show -- shows you the way that we close the cases.
17 And as you can see, we have a significant increase in
18 closing cases with a conciliation agreement. I -- can
19 you hear me now?

20 CHAIRMAN ANDERSON: Yeah.

21 MS. MacKENNA: I'm sorry.

22 Okay. We have a significant number of
23 increases in the conciliation agreements. This is
24 good because, when you close a case as a conciliation,
25 it's a much quicker closure than a full housing

1 investigation to result in a cause or a no cause.

2 Thus, we're getting higher -- more cases closed.

3 This is part of the plan for closing
4 more cases through the rest of year, because our
5 investigators have come off their learning curve.
6 They know how to conciliate the cases. They're going
7 to be having more cases closed.

8 I see that it's going to be doable for
9 us to close the number of cases we need to by the end
10 of year.

11 COMM. KHALIFA: The 39 or more?

12 MS. MacKENNA: Yeah.

13 CHAIRMAN ANDERSON: Just -- just from a
14 conciliation aspect?

15 MS. MacKENNA: Yes, sir.

16 CHAIRMAN ANDERSON: Okay. Don't you
17 have to have two willing partners to be able to do
18 that, though?

19 MS. MacKENNA: Excuse me?

20 CHAIRMAN ANDERSON: Don't you have to
21 have two willing partners to be able to do that, both
22 the claimant and the respondent?

23 MS. MacKENNA: Yes, that's true. And
24 you also have to have the skills to be able to good --
25 be a good negotiator, and we are seeing several of our

1 new investigators with those skills.

2 CHAIRMAN ANDERSON: No comment about the
3 older investigators? They have the skills, too, don't
4 they?

5 MS. MacKENNA: We see it in the new
6 investigators, yes, sir.

7 CHAIRMAN ANDERSON: Okay. Thank you.

8 MS. MacKENNA: Uh-huh.

9 COMM. KHALIFA: Thanks for the good
10 news.

11 MS. MacKENNA: This last slide shows our
12 aged cases. And, again, as you can see we are
13 significantly lower on our aged case, and we continue
14 to decrease our aged cases. As of today, I ran a
15 report before we came here, and our aged case is at an
16 88, which is significantly lower.

17 Are there any other questions?

18 COMM. KHALIFA: Yeah, can you go back
19 one, please?

20 MS. MacKENNA: Excuse me?

21 COMM. KHALIFA: (Inaudible)

22 MS. MacKENNA: Where are we going?

23 COMM. KHALIFA: Well, you said you're --
24 you're -- you're down to 88, but it seems like -- is
25 there something that we can do to get rid of -- is

1 there something that we can do to get rid of so many
2 aged cases? That -- why do we have so many of them
3 that are so old?

4 MS. MacKENNA: We have a substantial
5 amount of cases that are design and construction.
6 They are going to be aged cases regardless of whether
7 we have a new investigator or an experienced
8 investigator, solely because of the amount of work
9 involved and what needs to be done with them. There
10 has be the on-sites, et cetera, all the measurements.

11 HUD also has the same inventory of aged
12 cases because of design and construction. HUD
13 realizes this, and they don't consider these a problem
14 or problematic because of the type of case they are.

15 Does that answer your question?

16 COMM. KHALIFA: Yes, ma'am.

17 MS. MacKENNA: Okay.

18 COMM. KHALIFA: Thank you.

19 MS. MacKENNA: You're welcome.

20 Are there any other questions?

21 (No response)

22 MS. MacKENNA: If not, I'm just going to
23 give you a brief update on what's been happening.

24 The National Fair Housing Alliance --
25 and this is another area where we're going to get some

1 more cases. The National Fair Housing Alliance, which
2 is the parent company for all the Fair Housing
3 Initiative Program, not-for-profit agencies around.
4 They filed a number of complaints throughout the
5 nation, and they have filed them against Craigslist
6 because of discriminatory advertising.

7 In most states these cases are being
8 filed against Craigslist and the individual placing
9 the ads. In the state of Texas or in the 5th Circuit,
10 they can't do that because of a 5th Circuit decision.
11 So, these cases are being filed against the individual
12 placing the discriminatory ad.

13 We have, to date, received 16 of these
14 cases, and they have all been assigned to David. And
15 he's going to update you a little bit more on them,
16 but they are still coming in. So, we will be getting
17 more cases in that respect, as well, is what I had
18 mentioned previously.

19 During the month of March we had
20 personnel come down from HUD and gave us a day and a
21 half of training. The first day was for the housing
22 investigators to train them on basic investigative
23 practices that HUD wants to see. So, we're on-line
24 with -- HUD reviews our cases. So, now, we're on-line
25 with what they're reviewing -- what they want us to

1 do.

2 The half -- second day, half a day, was
3 very informal with the managers and Therman Miles from
4 HUD. And we sat down, answered questions, offered
5 best practices, and got some insight on reviewing
6 housing investigative files.

7 We are at that time of the year where
8 HUD is putting out the NOFAs, notice of funds
9 available. We will be, again, applying for a NOFA,
10 which is a competitive program for all FHIPs and
11 FHAPs. And, again, David is the one that will be
12 working on those NOFAs.

13 April the 23rd HUD is presenting some
14 free fair housing accessibility training, and it's
15 here in Austin. And we have our investigators going
16 to that training.

17 It's on design and construction. It's
18 the overview of design and construction requirements
19 of fair housing, the strategies for compliant
20 kitchens, and the common design and construction
21 violations and solutions. It's -- it is -- can be
22 somewhat technical for architects, builders,
23 et cetera, but it's very, very worthwhile for
24 investigators, as well. And several of us have
25 already attended this training throughout the state.

1 We will, again, be partnering this year
2 with the Border Fair Housing & Economic Justice Center
3 in El Paso to host a Fair Housing Summit. This will
4 be the fourth year we've participated with them to
5 further fair housing awareness during April, which is
6 Fair Housing Month.

7 And, lastly, we are -- we have a
8 requirement from HUD to send 12 people to the training
9 academy in D.C. We have already sent seven. We sent
10 them in December of this -- of '08.

11 We are going to be sending six. So,
12 we'll have 13 actually trained this year. Six more
13 will go in July.

14 CHAIRMAN ANDERSON: And that's paid for
15 by HUD. Right?

16 MS. MacKENNA: Yes, we get money to send
17 those people. Yes.

18 Are there any other questions?

19 (No response)

20 AGENDA ITEM NO. 7

21 MS. MacKENNA: If not, I'm going to hand
22 it over to Tony Robertson, Trainer -- Manager for
23 Training and Monitoring. Excuse me, Tony.

24 MR. ROBERTSON: No problem.

25 Good morning, Commissioners --

1 CHAIRMAN ANDERSON: Robert, if you could
2 do the same thing, kind of keep it focused, and -- and
3 just on the highlights so that we can move quickly.

4 MR. ROBERTSON: I'm through.

5 (Laughter)

6 CHAIRMAN ANDERSON: A little bit more
7 detail. (Laughter)

8 MR. ROBERTSON: You bet.

9 Good morning. For the record, Tony
10 Robertson, Manager, Team 3.

11 The first slide basically depicts our
12 ADR happenings for the first quarter, and one of the
13 key things I just want to focus on is that the number
14 of closures that the ADR Team has exceeded within the
15 second -- within the second quarter. The first two
16 quarters -- and, once again, let me just remind
17 everyone that my staff averages -- they're -- they're
18 supposed to average 15 cases a quarter per person.
19 They have doubled that in the first and second
20 quarter.

21 So, I'm quite proud of them for the work
22 that they're doing and the -- and the continued work
23 that they do, also. While I'm here, also with the ADR
24 staff, one thing that's important that we discussed
25 yesterday, also, is that with the housing cases,

1 although there is no mediation, we do have the three
2 mediators assigned to all the housing investigators
3 who can come to them to assist them with conciliation
4 and how to negotiate and help them close these cases
5 and get these conciliations done.

6 I have one housing investigator.
7 That -- that is David Trinidad, who will come up after
8 me. But the key thing with that is that he is an
9 excellent conciliator, as well. And so he offers
10 his -- his time and -- and efforts and points in
11 trying to help and assist other -- other, excuse me,
12 housing investigators to get those techniques down so
13 that they can be more proficient, as well as more
14 successful with that.

15 Next slide, please.

16 This slide just depicts the number of
17 four-hour workshops that have been requested with your
18 review.

19 Do you have any questions on that slide?

20 Yes, ma'am?

21 COMM. STIDVENT: Actually, it's on
22 another slide. Go ahead.

23 MR. ROBERTSON: You bet.

24 Next slide.

25 This slide depicts our -- the number of

1 EEO and -- EEO and housing presentations/trainings
2 conducted. Now, when I say house -- slash training,
3 I'm just talking about our housing presentations also
4 turn -- turn out to be housing trainings. And, as you
5 can see year-to-date for EEO presentations, we're six,
6 and for housing presentations/trainings, more so
7 trainings conducted, we're five.

8 Any questions on that slide, ma'am?

9 (No response)

10 MR. ROBERTSON: Next slide.

11 Individuals at events. This is an LBB
12 target that I am evaluated under. For this particular
13 fiscal year my LBB target is 700.

14 I am about 57 percent completed into
15 this particular L -- LBB target. To date, we have
16 trained 386, or should I say as of second quarter, 386
17 individuals have been trained in EEO trainings, as
18 well as 52 have been dealt with in EEO present -- I
19 mean, excuse me, fair housing presentations.

20 Are there any questions?

21 COMM. STIDVENT: Yes. I just had a
22 question if it was an anomaly. You had one individual
23 at a housing presentation in February, and so it just
24 raised a question, was that an outlier -- what
25 happened there? And I was just curious as to what the

1 cost of housing presentations per person were.

2 MR. ROBERTSON: Thank you. Good
3 question.

4 Back in the first quarter we were
5 dealing with a lot of the presentations that we dealt
6 with when we piggybacked on certain events, more so
7 the TBC conferences, and then we also had a request to
8 come out and conduct some fair housing training in the
9 first quarter. In the second quarter we only had one
10 request for fair housing training, and that was a
11 result from a conciliation from a housing case.

12 And so that number will probably be
13 considerably low from this point forward. But keep in
14 mind, those are payments. That's revenue-generated
15 presentations/trainings that are done for the fair
16 housing, as well.

17 You asked for the cost. For the
18 individual costs that we deal with on fair housing
19 training when it's just one-on-one -- and I conduct
20 those, i.e., Netlive -- Netlive and by phone -- it is
21 \$92 per person.

22 The next slide depicts the personnel
23 policy and procedure reviews that we've conducted
24 throughout the -- the second quarter. To date, 17
25 have been completed. 15 have been certified, and zero

1 may show even more at that point in time.

2 CHAIRMAN ANDERSON: Right.

3 MR. GOMEZ: The difference in the
4 numbers, Chair Anderson, if I could, is indicated on
5 the Performance Measures Report that I send out on a
6 monthly basis. The LBB target is noted on top, number
7 of personnel policy reviews conducted and completed.
8 And that's what we report to the LBB, and that's what
9 they consider.

10 On the bottom, where we have the
11 Management Performance Measures, we have the number of
12 on-site personnel policy reviews initiated or
13 conducted and pending completion. As -- previously,
14 when we had to submit an EOv, we provided information
15 in detail that it -- it does take a process. It takes
16 a process of notification, receiving of information,
17 scheduling the on-site, conducting the entrance, doing
18 the actual review, going back and doing an exit
19 conference, coming back and writing the report,
20 providing any technical assistance that Tony
21 mentioned, and then delivering the final report.

22 So, it is a process. It does take time.
23 So, that's where the difference comes in. And that's
24 why I choose to report both numbers, because -- I'll
25 give an example for the month of March.

1 There were two that were completed, give
2 us a total of 17. The target is 28, so we're at
3 60.71. But if you look at the -- the Management
4 Performance Measures, the policy reviews initiated,
5 conducted, and pending completion have been four, give
6 us a total of 21. And that renders a 75 percent.

7 So, we're looking at 75 percent that
8 we've already achieved in this fiscal year of policy
9 reviews, not necessarily completed, but as a
10 performance -- Management Performance Measure in
11 control. We show that they have been at least
12 initiated and/or conducted and are pending completion.

13 CHAIRMAN ANDERSON: Worst-case scenario,
14 you could conduct whatever the number is for the year,
15 30 --

16 MR. GOMEZ: 28.

17 CHAIRMAN ANDERSON: -- and none -- none
18 of them could be certified if they're all out of
19 compliance, worst-case scenario.

20 MR. ROBERTSON: That's correct.

21 MR. GOMEZ: Correct.

22 MR. ROBERTSON: That's correct, but we
23 work with them, Chair. That's -- that's a good
24 example.

25 CHAIRMAN ANDERSON: Sure.

1 MR. ROBERTSON: We -- we work with them
2 to make sure that we don't have that issue. They've
3 been very receptive to our suggestions and
4 recommendations.

5 Just real quick, I want to give you kind
6 of a quick example. With these personnel policy
7 reviews, although this ends the second quarter, the
8 remaining 16 reviews, out of those 16 reviews that we
9 are dealing with for -- through the end of this fiscal
10 year, 11 of those are all out of -- throughout the
11 state of Texas. And they're all your Texas A&M,
12 International, Corpus Christi, and then all your UT --
13 your big UT schools, UT Dallas, UT Arlington,
14 et cetera.

15 And so we will be traveling tremendously
16 a lot throughout that. I have one person that is
17 handling that right now, and he does an excellent job.
18 And -- and, like I said, that's the position I'm
19 trying to fill, which we're waiting on, and -- and
20 made our suggestion from our interviews on Monday.

21 So, hopefully, we can get this person on
22 the ground. We feel that we've hired a -- a -- an
23 outstanding individual that doesn't need to be
24 trained -- trained up. He can hit the ground running
25 and go from that point, also through the training that

1 I will provide him, as well.

2 With that said, I -- that completes my
3 report. If there -- there are no other questions, I
4 will now bring up David Trinidad, my Special --
5 Special Projects and Outreach Coordinator.

6 MR. TRINIDAD: Good morning,
7 Commissioners. And for the record, my name is David
8 Trinidad. I am the Outreach Coordinator for the Texas
9 Workforce Commission Civil Rights Division.

10 Since our last Commissioner Meeting to
11 you, W -- TWC CRD outreach has been involved in the
12 following: The HUD SuperNOFA debriefing, the
13 investigation of discriminatory housing advertisement
14 on Craigslist, the partnership project with the Border
15 Fair Housing & Economic Justice Center for their Fifth
16 Annual Housing Summit, partnership project with EEO
17 for their continued series on Glass Ceiling Symposium.
18 TW -- CRD -- I mean, excuse me, and applying for the
19 Department of Justice grant on the Immigration and
20 Nationality Act.

21 To summarize, the HUD SuperNOFA
22 debriefing, CRD was informed that overall the
23 information regarding the grant proposal was sound and
24 solid. The main focus by HUD had to do with the
25 syntax regarding the placement of information --

1 informational material within the grant proposal
2 itself.

3 CRD was under the impression that it had
4 properly and efficiently responded to the critical
5 questions and criteria of the grant proposal -- or the
6 grant requirements by HUD. However, HUD informed CRD
7 that, although the information required was, indeed,
8 within the body of the grant proposal, in HUD's
9 opinion CRD did not effectively tie in all of the
10 sections of the grant proposal in the way that HUD
11 felt would be ideal.

12 CHAIRMAN ANDERSON: We know -- we know
13 how to do that now?

14 MR. TRINIDAD: Yes, sir, we do. And we
15 worked very closely, I might add, with the TWC CRD --
16 I'm not sure what her actual title is, Ms. DeDe Webb.
17 She is the --

18 THE AUDIENCE: Grant coordinator.

19 MR. TRINIDAD: I'm sorry? Grant
20 coordinator?

21 She is a grant coordinator. So, in
22 applying for these grants, rather it be a HUD-related
23 grant or a DOJ-related grant, we do work very closely
24 with a grant coordinator to ensure that, you know,
25 we -- we cross every T and dot every I. So, we -- I

1 mean, it's a -- it's a conjoint process of -- of
2 factors.

3 Any other questions?

4 (No response)

5 MR. TRINIDAD: The investigation of
6 discriminatory housing advertisement on Craigslist
7 stems from a special request made from Mr. Gary
8 Sweeney, the Fort Worth HUD Regional Director to CRD.
9 The request -- in that request CRD was tasked with
10 investigating these housing complaints in which an
11 alleged act of discriminatory advertising was made on
12 Craigslist.

13 The complaint -- the complaint at the
14 National Fair Housing Alliance out of Washington D.C.
15 has filed over 500 Craigslist complaints throughout
16 the U.S., 50 or so of which within the state of Texas,
17 at least from the reports that I've received. Second
18 only to HUD, CRD has the bulk of the Texas complaints
19 with 16. CRD felt that, because of the similarity in
20 nature of the complaints, assigning these cases to one
21 investigator as a special project made more sense.

22 Familiar status is the bulk of the basis
23 of these complaints, along with religion as a distant
24 second. The majority of the respondents are
25 individuals who happen to have a single, detached unit

1 adjacent to their home. Normally, these individuals
2 would be exempt from the Fair Housing Act but for the
3 exceptions statute.

4 Under the Act, Subchapter A, Section
5 301.021(a) states, "The person may not refuse to --
6 may not refuse to sell or rent or in any other manner
7 make unavailable or deny a dwelling to another because
8 of race, color, religion, sex, familiar status, or
9 national origin." Subchapter B, Section 301.205(g)(1)
10 distinguishes a dwelling to mean a building consisting
11 of four or more units.

12 However, Subchapter C, Section
13 301.041(a)(B)(2) states Subchapter B does not apply to
14 publication, posting, or mailing of an advertisement
15 prohibited by Section 301.022. And, finally,
16 Subchapter B, Section 301.022 states "A person may not
17 make, print, or publish an advertisement that is about
18 the rental or dwelling or other dwelling and that
19 indicates a preference, limitation, or discrimination
20 or the intent to make a preference, limitation, or
21 discrimination because of race, color, religion,
22 national origin, or familiar -- familiar status."

23 Such examples of the alleged
24 discriminatory advertising include statements and
25 phases, such as no children, singles only, idea for

1 singles or couples, Christian-owned home, catering to
2 older couples, and single tenants only.

3 Any questions?

4 (No response)

5 MR. TRINIDAD: Okay. In the partnership
6 project with the Border Fair Housing & Economic
7 Justice Center for their Fifth Annual Housing Summit
8 TWC CR -- which will take place, I should say, in
9 El Paso on April 30th, this is a one-day event which
10 takes place during the National Fair Housing Month
11 and will consist of morning and afternoon panel
12 discussions and to include a luncheon with a guest
13 speaker, as well.

14 Partnership project with EEO -- with EEO
15 in March. During their recent last symposium, in
16 which TWC CRD had a -- a display booth, the March
17 Glass Ceiling Symposium event is a second in a series
18 of events with EEO that -- that EEO has been putting
19 together and is also the second time in which CRD has
20 partnered with EEO this fiscal year on such a project,
21 the first event culminating back in September in
22 McAllen.

23 And, finally, CRD is working towards
24 preparing the grant proposal for the DOJ grant on the
25 Immigration and Nationality Act. We are working

1 closely with other internal sources within TWC, such
2 as Business Services and Labor Relations, in order to
3 make sure that we can provide the outreach that is
4 required and necessary for this grant, in terms of
5 reaching the target audiences, and specifically
6 employers who may be hiring people that fall under
7 this particular act, as well as the employees that
8 would be applying under this particular act.

9 Any questions?

10 (No response)

11 MR. TRINIDAD: I will also add that on
12 the Craigslist cases we are reaching some pretty
13 positive grounds on that. We have -- out of the 16
14 cases, we'll have six resolved by the end of this
15 month. They will all -- all six will be -- will have
16 been conciliated, and all six will have been completed
17 within 100 days of the initial -- what do you call
18 it -- the initial filing.

19 Any questions?

20 CHAIRMAN ANDERSON: Are those pretty
21 easy to resolve?

22 MR. TRINIDAD: No, sir. No, they --
23 they do take -- they do take some skill and some --
24 some work.

25 CHAIRMAN ANDERSON: Okay. I was just

1 thinking that if we take on a few more of those cases
2 that could give us some more -- do they get paid for
3 them?

4 MR. TRINIDAD: Yes, sir.

5 CHAIRMAN ANDERSON: Okay.

6 COMM. KHALIFA: Are they easier than the
7 other cases or about the same amount of work, is what
8 he's asking you?

9 MR. TRINIDAD: Well, I understand, sir.
10 I would say each case is unique. I'm not trying to
11 waffle around the -- the -- the question.

12 Each housing case is unique and has --
13 it brings to it its own -- its -- its own
14 disfunctionalities, as well as functionalities. In --
15 in doing these cases, they have gotten easier, yes,
16 because, you know, the central theme is discriminatory
17 advertising. And, typically, as I mentioned in the
18 report, that the respondents are usually, you know,
19 individuals who own a single, detached dwelling.

20 So, the -- the opportunity to explain
21 the process, explain the error and work towards
22 rectifying that does get a little easier than having
23 to deal with individuals who hire attorneys,
24 typically, in terms of large apartment complexes. And
25 then you have the attorney/investigator communication

1 back and forth process.

2 COMM. KHALIFA: Are we policing
3 Craigslist for these, or are we actually needing
4 complaints from individuals for these?

5 MR. TRINIDAD: Well, we're actually
6 receiving complaints from the National Fair Housing
7 Alliance out of Washington D.C., who has filed as the
8 complainant in these cases. We're not -- we're not
9 out policing these or -- or looking for these.

10 COMM. KHALIFA: They are.

11 MR. TRINIDAD: They are, yes, sir.
12 However, we have found one particular case that we may
13 be looking into dealing with University of Houston in
14 a discriminatory advertising situation. So, we don't
15 have much more to tell you on that at this time, but
16 if it --

17 COMM. KHALIFA: But it's against the
18 University itself?

19 MR. TRINIDAD: It may potentially be, or
20 at least the -- the person who they contract to manage
21 their living facilities.

22 Any other questions?

23 (No response)

24 MR. TRINIDAD: Thank you. I'll return
25 it back to Tony Robertson.

1 MR. ROBERTSON: Thank you, David.

2 For the record, Tony Robertson, Manager,
3 Team 3.

4 Before I -- before I turn it back over
5 to Mr. Gomez, one thing, Commissioner Khalifa, I
6 wanted to kind of just help you a little bit on on
7 these -- these fair housing cases. You asked "Was it
8 easier or was it harder?" The unique thing about them
9 is, if it's one issue, one basis, no problem; we
10 can -- we can work those cases.

11 But when you have multiple issues and
12 multiple bases in these housing cases, you have to go
13 and deal with each -- each issue -- issue and basis,
14 as well, which will lead you into a whole lot of
15 different things that you'll find and come up with
16 through your investigative techniques and through your
17 findings. So, with the Craigslist, you know, the
18 unique thing with them, some of them are one issue,
19 one basis, because you're dealing with a -- a single
20 tenant. And so with that single tenant, who knows
21 they're -- they're probably under the exception of the
22 fair housing laws, but at that same time that
23 discriminatory advertisement took effect we must
24 enforce it go forward from that point.

25 So, it's a pretty -- pretty simple form

1 in some cases, but it's not that simple at times,
2 because most of the time it's trying to get the
3 contact back and the communication going back and
4 forth, as well.

5 COMM. KHALIFA: Well, it just seems like
6 if it's a policing arm of somebody that's sending
7 y'all cases, it's a bit different than an individual
8 coming to you with their individual quirks and --
9 and -- and -- or, you know, they're characteristics
10 than it is in a policing arm. So, it seems like they
11 would be easier to take care of and quicker to resolve
12 from a policing arm than from each individual being
13 different.

14 MR. TRINIDAD: Commissioner Khalifa, as
15 Ms. MacKenna had mentioned earlier, initially the
16 National Fair Housing Alliance was wanting to take on
17 Craigslist itself, not the individuals. But because
18 of the 5th Circuit Court decision, it was forced to
19 have to take on each individual -- each individual
20 advertisement and the person or people who provided
21 that advertisement, rather than Craigslist. In other
22 words --

23 COMM. KHALIFA: I understand what you're
24 saying. But what I'm saying is, if you have
25 individual homeowners or dwelling owners that are

1 renting them, but you don't have individual tenants
2 that are bringing you the cases. You've got somebody
3 bringing you 10, 15 cases against 10, 15 people, but
4 it's only one person against 16 versus 16 versus 16.

5 MR. TRINIDAD: That is correct; however,
6 there are -- we do have some cases in which the
7 respondent is in the business of renting as a
8 profession and not just as, you know, a means of
9 making some extra money. But the answer to your
10 question is correct. There is one entity that has
11 brought on all of these cases.

12 COMM. KHALIFA: Thank you.

13 MR. ROBERTSON: If there are no other
14 questions, I just wanted to give you that information,
15 as well, and go from that point. If not, I will turn
16 it over to Mr. Gomez, Director -- Division Director of
17 CRD.

18 MR. GOMEZ: Okay. Thank you.

19 Just one more kind of side note on the
20 Craigslist cases. When I was approached by Director
21 of HUD of our Region, Mr. Sweeney, Gary Sweeney, on
22 taking these cases, I, again, reminded him, as I have
23 shared with you today, that we basically had new
24 staff, seven new investigators that were going through
25 a learning curve and all of this. And then, as was

1 reported by Alice MacKenna, also we have aged cases
2 that we have to deal with in our inventory.

3 So, I wanted to make sure that before we
4 received these cases that Gary knew that we were
5 possibly going to -- or probably going to assign them
6 to our outreach/housing investigator individual, which
7 is David Trinidad. He agreed. He has since sent us
8 those cases.

9 Since this was a special request on his
10 part, then what I am going to turn around and do is --
11 is request from him that, if in these cases -- and I
12 don't know if the two new Commissioners are aware.
13 But the -- the other Commissioners are aware that we
14 get paid additional for HUD cases that are unusual or
15 a charge or are more difficult than other cases.

16 So, what I'm going to approach Gary on,
17 as part of our budget plan to get additional revenues,
18 is -- is approach Gary and see if these cases can be
19 paid on that basis, that they're special request
20 cases, that we had to work on them differently and,
21 therefore, are unique in that fashion. And -- and,
22 hopefully, we can get the 2900 instead of the 2400 for
23 these cases.

24 Other than that, I have no additional
25 information to present.

1 And turn it back to you, Chair Anderson.

2 AGENDA ITEM NOS. 8 & 9

3 CHAIRMAN ANDERSON: Okay. The next
4 meeting is July 15th, 2009. There's one in October
5 14th, 2009, also. Any reason to change any one of
6 those dates?

7 COMM. KHALIFA: At 10:00 in the morning?

8 CHAIRMAN ANDERSON: No, 9:00. I'm
9 sorry. 9:00 a.m.

10 AGENDA ITEM NOS. 10, 11 & 12

11 CHAIRMAN ANDERSON: Training. We've got
12 a full -- John, what's your -- what's your feeling on
13 this? Can you cover this in about a half an hour?

14 MR. MOORE: I -- I think I can, yes.

15 CHAIRMAN ANDERSON: Okay. Because I'd
16 like to be finished by 11:15 so we can go in Executive
17 Session, because we've got a lot of items on Executive
18 Session today.

19 If not, whatever you don't cover, we
20 could cover next time?

21 MR. MOORE: Yep.

22 (Training: 10:42 a.m. to 11:24 a.m.)

23 (Executive Session: 11:24 a.m. to
24 12:57 p.m.)

25 (The Commission went back into Open

1 Session and took no action.)

2 (Meeting adjourned: 12:58 p.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, JANIS SIMON, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of 2009.

JANIS SIMON
Certified Shorthand Reporter
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