

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 16, 2008

BE IT REMEMBERED THAT at approximately
9:00 a.m., Wednesday, the 16th day of April 2008, the
above-entitled matters came on for hearing at the
Texas Workforce Commission, TWC Building, 101 East
15th Street, Room 244, Austin, Texas, before CHAIRMAN
ANDERSON and the COMMISSIONERS of the 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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P R O C E E D I N G S

WEDNESDAY, APRIL 16, 2008

(9:00 a.m.)

AGENDA ITEM NOS. 1 & 2

CHAIRMAN ANDERSON: Good morning,

everyone. My name is Tom Anderson. I'm the Chair of the Commission on Human Rights, and I want to welcome you-all to the meeting this morning.

It's nine o'clock, and we'll go ahead and get started. I think that we're going to take the Executive Session first.

But, prior to that, if we have any guests -- and we do have one, who has signed in.

Marilou Morrison, if you would like to address the Commissioners, you have three minutes. And the admonishment as before, please remember that you must keep your comments addressed to the agenda, the posted agenda.

Ms. Morrison.

MS. MORRISON: All righty.

No doubt CRD managers will report today as always, that everything is going extremely well in all areas and continues to improve. The Director will report on his numerous trips and speaking engagements at Hispanic Chambers of Commerce and other outreach

1 efforts.

2 What you will not be told is that since
3 the last Commission Meeting over 130 intake
4 questionnaires were handed off to the City of Austin
5 to be perfected into actual charges. CRD and the
6 City -- not -- CRD -- the City, not CRD, will be paid
7 for them.

8 Can anyone explain why the Director
9 spends so much of the taxpayers' dollars trying to
10 generate more charges while CRD is unable to
11 investigate those it already has? Other than the
12 Director, who benefits from travel/outreach in
13 locations within or near his former home?

14 The recent HU -- HUD Convention in
15 Atlanta must have been a humiliating experience for
16 those representing the CRD. Attendees -- attendees
17 cringed or snickered when a CRD Manager publicly
18 demonstrated colossal ignorance of jumbo loans and
19 predatory lending, and a Commissioner inquired about
20 funding for a business venture at a forum restricted
21 to the issue of unlawful discrimination.

22 HUD's Region 6, of which the CRD is a
23 part, was rated poorest by HUD, primarily due to the
24 dismal performance of the CRD. The CRD has more than
25 100 HUD cases over 100 days old. That is completely

1 unacceptable.

2 The City of Austin and Austin Tenants'
3 Council received very high performance ratings. It
4 should be noted that both the City and ATC attribute
5 their outstanding performance ratings to former
6 employees of the CRD who left the CRD because of
7 intolerable working conditions.

8 Apparently, this intolerable situation
9 continues to exist because, despite hiring a private
10 consultant paid by taxpayer funds, three additional
11 investigators have resigned since the last Commission
12 Meeting. And another three or four have been placed
13 on performance improvement plans due to poor job
14 performance.

15 CRD staff has repeatedly denied that the
16 consultant ever provided a final report of findings
17 and recommendations. And if he did, it certainly
18 appears that managers were unable to learn from and/or
19 implement recommendations. Senator Cornyn's office
20 will investigate this matter shortly.

21 Thank you.

22 CHAIRMAN ANDERSON: Thank you,
23 Ms. Morrison.

24 AGENDA ITEM NO. 10

25 CHAIRMAN ANDERSON: We are now going to

1 go into Executive Session pursuant to Government Code
2 5 -- section 551.074(a)(1) to discuss the
3 appointment -- appointment, employment, evaluation,
4 reassignment, duties, accomplishments, performance,
5 goals and responsibilities of the Texas Workforce
6 Commission Civil Rights Division Director.

7 Additionally, we are now going into
8 Executive Session pursuant to Government Code Section
9 551.071(1) and (2) concerning contemplated litigation
10 or pending litigation of the following cases:
11 Texas -- Texas Workforce Commission versus Henry
12 Carter -- Carter, et al., Texas Workforce Commission -
13 Civil Rights Division versus the City of
14 Sugarland/Fort Bend -- not the City of Sugarland, I'm
15 sorry, Sugarland/Fort Bend Real Estate.

16 And Agenda Item 10(c) where the
17 Commissioners seek the advice of the attorney as
18 privileged communications under the Texas Disciplinary
19 Rules of Professional Conduct of the State Bar of
20 Texas.

21 The time is 9:04, and we're adjourned
22 into Executive Session.

23 (Executive Session: 9:04 a.m. to
24 9:24 a.m.)

25 (Recess: 9:24 a.m. to 9:33 a.m.)

1 CHAIRMAN ANDERSON: Good morning, again.
2 It's 9:33. We're back in open session, regular
3 session of the Commission on Human Rights. The
4 Executive -- the Executive Session concluded and is
5 closed at -- it closed at 9:24.

6 So, we're back in open session at this
7 point. We'll go ahead and proceed with the regular
8 agenda.

9 AGENDA ITEM NO. 3

10 CHAIRMAN ANDERSON: And that would be up
11 to you, Mr. Gomez. Are you ready to begin?

12 MR. GOMEZ: Yes, sir.

13 Good morning, Chair Anderson. Good
14 morning, Commissioners. For the record, my name is
15 Robert Gomez. I'm the Division Director.

16 This morning I'd like to direct you to
17 the Director's Tab in you handouts which, again, lists
18 the meetings that I have attended, activities since
19 January 16th, 2008. Basically, regular meetings of
20 the CRMT, the Civil Rights Management Team. Also, the
21 telephonic weekly meetings with Chair Anderson.

22 The meetings with T -- TWC-CRD staff or
23 the CRD -- Team CRD. We have moved those from being
24 once every month -- on the first Thursday of the
25 month -- to being a quarterly meeting. So, we had a

1 meeting this month in April. Those meetings are going
2 to coincide when you-all come down here for your
3 quarterly meetings. So, we had decided to do that.

4 I also attend the TWC Executive Staff
5 Meetings, the Commission Meetings that are also
6 bi-weekly now for TWC.

7 I had the occasion to meet with staff on
8 some potential cause -- employment -- both employment
9 and housing discrimination cases, and that meeting was
10 attended by the staff that conducted the investments,
11 my management team and also the Legal support from
12 TWC, two of their attorneys. I participated in
13 telephonic meetings with U.S. Department of Urban
14 Development, HUD, which encompassed both programs that
15 we're involved with.

16 Of course, we're the FHAP for the State
17 of Texas, the Fair Housing Assistance Program, but we
18 also receive grants to work with FHIPs, the Fair
19 Housing Initiative Programs. And, therefore, we
20 participated in both conference calls.

21 We had several training sessions. And
22 I'd like to address those separately, because we did
23 have a training plan that we worked with TWC HR
24 training for this fiscal year. Basically, CRD staff,
25 all staff completed the communications skills

1 training, the building a stronger team training,
2 priority management planning training and the CRD
3 supervisors and managers also completed, in addition
4 to those three, the customer service for managers
5 training and the leadership and management training,
6 which I think were all very beneficial, good
7 information, good information and training that we
8 carried back to our -- our work site.

9 CHAIRMAN ANDERSON: Is that in this
10 fiscal year --

11 MR. GOMEZ: Yes, sir, this fiscal year.

12 CHAIRMAN ANDERSON: -- this year --

13 MR. GOMEZ: I also had the opportunity
14 to attend the EEOC FEPA Annual Training Conference in
15 Los Angeles where we did gather a lot of good
16 information, a lot of statistical information for
17 comparison with what we do for the State of Texas to
18 compare with other states and also what EEOC is doing
19 nationally.

20 At this time, I'd like to share with you
21 the customer survey evaluation for March. That is the
22 most current one that we have.

23 And as always, I do read you the
24 questions that are asked on this survey, which are
25 basically: No. 1, was staff courteous and helpful?

1 No. 2, did staff provide accurate information? No. 3,
2 was staff providing timely response to inquiries? Was
3 staff knowledgeable on CRD procedures? And would you
4 recommend this service to others?

5 And it just so happens that this month,
6 over the month of March, we were right down the
7 middle; it was 50/50. We got a total of 24 responses.
8 And out of those 24 responses, 12 indicated that they
9 strongly agreed and agreed, and 12 disagreed with the
10 statements.

11 So, in the line of business that we're
12 in, as I reported before when we started reporting
13 this survey, usually you're going to get that. We've
14 got a complainant and a respondent. It depends on who
15 returns the survey, and we're going to get a picture
16 like that.

17 That has been the lowest, really, since
18 we started keeping the survey because they're always
19 in the 70s. And I think at one time, the last time I
20 reported here, was in the 80s, 81 or 82 percent
21 positive. So, this month of March was a little bit
22 different from the months before.

23 As far as staffing report, we do have
24 three Investigator 3 postings that we do have posted
25 since Friday. We worked with HR on posting these

1 positions as Investigator 3s. They provided
2 assistance in determining how to work the posting and
3 also to determine the performance standards for those
4 positions.

5 What we're doing is we're posting them
6 as Investigator 3, all 3 of them, and that's because
7 of the learning curve that's involved with new
8 investigators. There's a learning curve, and the
9 production of these investigators is going to be lower
10 than Investigator 5. Therefore, we wanted to bring
11 them on as an Investigator 3, thus allowing us to pay
12 a lower salary with their lower production and
13 enabling us to meet our budget.

14 So, they're posted. They've been posted
15 since Friday the 11th. And as soon as they close and
16 we get the paperwork back from HR, then we're very
17 anxious to get these critical positions on board.

18 CHAIRMAN ANDERSON: The -- the question
19 I have is not about the postings but about the
20 customer service surveys.

21 MR. GOMEZ: Yes, sir?

22 CHAIRMAN ANDERSON: If you're trending
23 down, I want to suggest that you and the management
24 team or all the -- all the people in the CRD look at
25 that and make some type of analysis as good as you can

1 and see why you're trending down. I mean, you've
2 always had the situations where you have a winner -- I
3 say, "a winner and a loser," but one party is happy
4 and one party may be not quite as happy.

5 So, we've always had that scenario
6 since -- since the CRD has been in existence. Why are
7 we now trending down? I think we need to find -- find
8 that out.

9 MR. GOMEZ: Uh-huh. I would say if we
10 look at the past months, Chair Anderson, that we -- I
11 would say not necessarily trending down but it
12 fluctuates. I think it goes up and down. So -- but
13 we'll look at that, yes, sir. We'll look at that.

14 Outreach projects. This morning for the
15 outreach projects I'd like to take the opportunity at
16 this point in time to introduce our new Outreach
17 Coordinator/Investigator Mr. David Trinidad, and he'll
18 give you some details and information on our outreach
19 projects and what we've done out there as far as
20 networking and giving you an update on our -- our
21 contacts.

22 So, David.

23 MR. TRINIDAD: All right. Thank you.

24 Good morning. For the record, my name
25 is David Trinidad. I am the Special Projects Outreach

1 Coordinator for the Division.

2 I'd like to give you kind of a synopsis
3 of the past, present and future with the outreach as
4 we -- with the outreach of special projects.

5 For 2007 SuperNOFA Grant HUD Education
6 Outreach Program has been completed, and the final
7 report has been accepted. HUD gave TWC-CRD an overall
8 rating of good, in which with this rating of good will
9 help strengthen our position for the 2009 grant
10 application process, which should be beginning early
11 in May.

12 As for the present, the Office of
13 Special Counsel of Immigration-Related Unfair
14 Employment Practices under the Department of Justice -
15 Civil Rights Division has issued notice, and TWC-CRD
16 has applied for a \$100,000 grant for
17 education/outreach, to target victims of employment
18 discrimination and the responsibilities of employers
19 under the Antidiscrimination provision of the
20 Immigration and Nationality Act. The Immigration and
21 Nationality Act provides -- protects work-authorized
22 individuals for employment -- from employment
23 discrimination based on their citizenship and/or
24 national origin.

25 Employers who violate that -- this law

1 are subject to sanctions, including fines and possible
2 criminal prosecution. The categories of
3 discrimination prohibited under the INA, include
4 citizenship status discrimination, national origin
5 discrimination, document abuse and retaliation.

6 The target areas that we are looking at
7 providing the education/outreach will be the same
8 areas that we do our expanded presence, which would
9 Amarillo, Lubbock, Tyler, El Paso and McAllen. The
10 purpose of the grant is to educate both workers and
11 employers about their rights and responsibilities
12 under the Antidiscrimination provision of the INA.

13 Also, this particular month being
14 Fair -- National Fair Housing Month, TWC-CRD was
15 working with TWC Legal and External Communication. We
16 were able to put out a Press Release informing the
17 public -- of course, that -- of what April is,
18 National Fair Housing Month, but also to highlight
19 some of the accomplishments throughout the 40 years,
20 as well as what TWC-CRD has experienced, including the
21 particular increase in disability-related complaints
22 that have been resolved over the last year.

23 For the future, TWC-CRD is anticipating
24 the next application process for the 2009 SuperNOFA
25 and is, therefore, gathering the necessary

1 documentation/information that HUD will require that
2 will help ensure our chances of getting the 2009
3 grant. Additionally, TWC -- TWC-CRD has considered
4 and is in the process of implementing what we call the
5 contact e-mail list to our partners, including the --
6 including the areas of expanded presence locations so
7 that we can stay in better communication and also keep
8 our partners better informed as to what our services
9 are, what we're doing and the next time that we're
10 going to be in their area, given the fact that there
11 may be a couple of months or even longer before we can
12 get back to some of those areas.

13 Any questions?

14 CHAIRMAN ANDERSON: What kind of
15 tracking are we doing to find out where our most
16 activity is in these outreach -- and where were those
17 outreach areas, again? El Paso and --

18 MR. TRINIDAD: Those outreach areas,
19 again, were Amarillo, Lubbock, Tyler, El Paso and
20 McAllen.

21 CHAIRMAN ANDERSON: Okay. Are we doing
22 any tracking to find out where the most activity is,
23 and maybe we need to go back there on a more regular
24 basis?

25 MR. GOMEZ: We're doing both tracking in

1 the contact -- contacts that we receive from the
2 public and also the contacts that we receive from both
3 private and public entities that want presentations or
4 want education or training. We are keeping track of
5 those.

6 To backtrack a little bit, David just
7 came on, and he's setting up those procedures and --
8 and -- and those systems to capture that information,
9 because we did have a turnover in staff. He replaced
10 (inaudible), who was here as the outreach slash --
11 outreach coordinator/investigator. So, David will be
12 tracking those and will be keeping tab of those.

13 Just to add a little bit to the expanded
14 presence, I did go up with David to the Panhandle. We
15 set up the Office in Amarillo, which was a new office,
16 and also the one in Lubbock. And we also had the
17 occasion -- I guess I'll let David explain what
18 happened when we went to visit with the -- the radio
19 personality at the --

20 MR. TRINIDAD: We had -- we had the
21 fortunate opportunity to actually participate in a
22 radio show. The original guest was -- had cancelled
23 at short notice, and so it opened an opportunity for
24 us to participate in about -- it was an hour, hour
25 long radio talk show, local radio AM station, in which

1 we were, again, providing education and information
2 about TWC-CRD. And it was actually a call-in show,
3 also, so we did receive some calls in which we were
4 able to discuss, you know, generally, of course, some
5 matters with -- with live participants.

6 MR. GOMEZ: So, here -- here on into the
7 future, Chair Anderson, I guess to answer your
8 question, we will be keeping those numbers and see if
9 it's advantageous for us to keep going to those places
10 or, perhaps, if it's not, to select different areas.
11 I was sharing earlier with Commissioner Wipf that the
12 office that we have currently in the Valley in
13 San Juan is getting ready to move to McAllen, which I
14 think will give us a bigger audience out there and
15 give us more an opportunity to do some outreach and
16 networking out in the Valley out of McAllen.

17 MR. TRINIDAD: I can answer, Chair
18 Anderson, that in each of the places I have been to --
19 I've not been to all five locations as of yet -- but
20 in each of the locations that I've been to the
21 impression that I receive from the public is that it
22 is -- it's good to have us there. We're welcomed and
23 please continue coming back and providing the
24 services.

25 CHAIRMAN ANDERSON: Two -- two follow-up

1 questions: No. 1, speaking for myself -- and the
2 other Commissioners can -- can jump in, but I
3 certainly don't want to micromanage, you know, what's
4 going on in this outreach. But we would like to have
5 the information concerning, you know, what type of --
6 what type of activities, the amount of activity is --
7 is going on at these different locations.

8 The other thing is I believe none of
9 these offices are costing us anything, other than the
10 travel or -- or some incidental costs.

11 MR. GOMEZ: Correct. Another -- David
12 mentioned the -- it's not a newsletter. It's an
13 e-mail that we're going to send to our contacts that
14 we make out there so they won't forget us, basically.
15 You know, we go out to Lubbock and Amarillo.

16 We went out there last month. This
17 month David is going out to the Valley and to the
18 El Paso Summit. And, therefore, there's a month
19 in-between where there is no contact. So, we want to
20 keep that contact going.

21 One of the things that David is going to
22 put out is that e-mail.

23 And you might want to copy the
24 Commissioners on that, David --

25 MR. TRINIDAD: Absolutely. And,

1 actually --

2 MR. GOMEZ: And then --

3 MR. TRINIDAD: -- we've put one out
4 already, and I'll certainly get that to each -- each
5 and every one of you.

6 MR. GOMEZ: And then, also, to -- every
7 time that we go out there to a certain area, to one of
8 those expanded presence offices, David is going to put
9 a bulletin, a synopsis. And we'll go ahead and send
10 it out to you-all, if you want that information also,
11 to kind of summarize what happened out there, who we
12 contacted, who we participated with. If we set up any
13 trainings or any educational outreach or workshops,
14 we'll put that on that report, and we'll send it out
15 to you-all.

16 CHAIRMAN ANDERSON: Have you received
17 any intake questionnaires as a result of these visits?

18 MR. TRINIDAD: Yes, we have, actually,
19 not as many as I'd like to see but, definitely, we
20 have seen them. And I know of two right now that are
21 actually in the investigation process -- actually, one
22 of them is in -- one of them is an employment related
23 one, and that's actually in mediation at this point.
24 That's what stage it's at.

25 And the other one, housing related, I

1 believe, is in -- it's in the investigation process.

2 Thank you.

3 MR. GOMEZ: Thank you, David.

4 AGENDA ITEM NO. 4

5 MR. GOMEZ: And as far as future goals,
6 that ties into the next tab in your -- in your
7 handout, the intake questionnaire. I did send this
8 information out to you-all with the packet so you
9 would have an opportunity to review.

10 Basically, what this is is taking the
11 initiative to provide better service, better contact
12 service, more operator-friendly or people-friendly
13 information to get in contact with TWC-CRD. And I'll
14 just, for the record, read it off of the memorandum
15 that I attached in your packet.

16 As I stated on there, for your review,
17 consideration and possible action are the draft CRD
18 intake instructions. The items that were in blue,
19 those are the links on the Web site. An employment
20 intake questionnaire; that will be posted on the TWC
21 Web site. The documents may be accessed on the
22 TWC-CRD link.

23 The new intake instructions and intake
24 questionnaire have been prepared and are being
25 presented in response to the need of providing better,

1 updated and more user-friendly access for filing a
2 complaint on-line. The reasons for developing the new
3 intake instructions and intake questionnaire, aside
4 from what I already mentioned, there's a -- there was
5 an increase in receipt of incomplete intake -- intake
6 questionnaires.

7 What this is is if we receive an intake
8 questionnaire that's incomplete, that usually ties our
9 staff down. What we would like to see is all the
10 questionnaires come in complete. We do have not a
11 contract with EEOC that pays us for just doing
12 intakes.

13 And even if we did, you know, I had
14 looked into that previously, when I took over this
15 division, but it wouldn't be very cost effective.
16 They'll pay us \$50 per intake that we do complete and
17 perfect. And even now, with what we're getting paid
18 per case, we're -- we're losing money based on the --
19 the way that we budget.

20 So, at \$50, we'd be losing even more
21 revenue. So, we didn't see it as cost effective. So,
22 we did enter into an agreement with the City of Austin
23 where all our intake questionnaires, inquiries that
24 were very incomplete, they do have that contract with
25 EEOC, which pays them \$50 per intake.

1 It's cost effective for them because of
2 the way they're budgeted. So, we took that
3 opportunity, partnered with them and are sending those
4 incomplete questionnaires to the City of Austin.

5 The second reason is it -- it was
6 confusing and burdensome, the IQ. It was six pages in
7 length. So, it was kind of burdensome for individuals
8 to fill out and complete.

9 Significant resources were being
10 utilized, such as extra paperwork, clerical,
11 mediation, investigation that was used to process
12 incomplete and lengthy IQs. And, also, this allows us
13 an opportunity to streamline the intake by providing
14 the link to the two-page IQ. These -- these were some
15 of the reasons we are doing this.

16 Now, the advantages are, of course, is
17 that it's greater efficiency. It's an easier, shorter
18 IQ for the individuals to access and fill out and
19 complete.

20 It expands on the definition of the
21 employment discrimination and -- and -- and -- and on
22 what we do, as far as what we have jurisdiction under
23 in employment. And, also, it provides definitions, an
24 expanded definition of housing and outreach
25 information, which also gives us a link to the new

1 instructions and the new intake questionnaire, which I
2 think is more people-friendly and will provide more
3 information on that.

4 So, with that, you do have copies of
5 that. Did you-all have any questions over the
6 instructions or over the IQ or the instructions to the
7 IQ?

8 CHAIRMAN ANDERSON: No, it looks -- it
9 looks pretty good. What -- what's the significance of
10 the colors? Is that going to be on the final set of
11 instructions in the IQ, or is it just -- it's just for
12 us to point out some of the changes you made?

13 MR. GOMEZ: No, the -- the colors that
14 you're referring to, the blue, are links. They're
15 actual links on the Web site --

16 CHAIRMAN ANDERSON: Oh, okay.

17 MR. GOMEZ: -- that you can link on that
18 and get additional information.

19 CHAIRMAN ANDERSON: Okay.

20 MR. GOMEZ: So, if there's no objection,
21 I guess we can go ahead and we'll -- we'll have this
22 done probably starting in May. We'll update the Web
23 site and have it available in May, and y'all can
24 easily check up on that by linking onto the TWC Web
25 site.

1 CHAIRMAN ANDERSON: Is there -- is there
2 any requirement to run this past EEOC or HUD or
3 anything or --

4 MR. GOMEZ: We have run it past --
5 internally with Legal and, also, I discussed it with
6 the Deputy Executive Director. And our next step is
7 to run it through EEOC one last time, but we had
8 already spoken to EEOC about this.

9 So, there shouldn't be any problem on
10 that. If there is, we'll fix it, and we'll change it
11 the way they want us to if there's anything that we do
12 need to change before we post it on our Web site.

13 CHAIRMAN ANDERSON: This is just
14 employment issues and not housing issues, a housing
15 questionnaire?

16 MR. GOMEZ: The IQ, yes, sir.

17 Okay. At this point in time, I am done
18 with my information, unless you-all have any
19 questions. And I will have Daryl come up and give you
20 the information from the budget standpoint.

21 CHAIRMAN ANDERSON: Thank you, Robert.

22 MR. GOMEZ: Thank you.

23 MR. STEGLICH: Good morning, Chair
24 Anderson, Commissioners. For the record, my name is
25 Daryl Steglich, Texas Workforce Commission, Finance

1 Division. I want to provide you with some financial
2 information regarding the first half of the fiscal
3 year for the -- for the Civil Rights program.

4 The -- in the -- in the first half of
5 the year the salaries, salaries and wages are tracking
6 pretty much along for the quarters. The travel
7 increased by a -- a significant amount in February.
8 My understanding is that that's for the Training
9 Academy, which last year I think it occurred in more
10 or less later in the -- later in the year. So -- and
11 I'll address that in the next slide, too.

12 The other operating expenses for this
13 quarter are slightly below what they were in the first
14 quarter, because there weren't any -- as many one-time
15 charges as there are generally in the first part of
16 the year where you prepaid -- prepay stuff, like the
17 state -- statewide cost allocation plan. That's a
18 single payment during the year and a couple other
19 things.

20 The -- as far as the total expenditures
21 for the -- for the quarter, again, we're pretty much
22 tracking on -- on that when you're comparing the two
23 quarters. Any questions?

24 (No response)

25 MR. STEGLICH: Okay. Next slide.

1 The next slide is the expenditure --
2 expenditure comparison from last year to this year.
3 It's the same period of time.

4 Salaries and wages are -- are pretty
5 much tracking. We have a little less salaries and
6 wages in 2008, and I understand that's due to staffing
7 levels and average -- average FTEs and the salary
8 costs associated with that.

9 The travel, of course, is well above
10 what it was last year. Again, this has to do with the
11 timing of the Training Academies. Last year we -- our
12 training was more or less in the summer, and this year
13 it's -- we're doing it earlier in the year.

14 There's a significant drop in the other
15 operating expenses, and that's primarily due to the
16 timing of projects throughout the year. They're --
17 they're not linear, and the expenditures come in
18 sometimes a little more in the first part of the year
19 and a little -- a little more in the last part of the
20 year.

21 Okay. Next slide, please.

22 And for the budget comparison for this
23 year we're at forty -- 44.1 percent. So, we're
24 slightly below the 50 percent average that we would
25 have at this time -- this time of the year. Though,

1 again, some expenditures are not linear.

2 So, that number -- that number is a good
3 indication that we are at least within the ballpark.

4 Do you have any questions or comments at
5 this time?

6 (No response)

7 MR. GOMEZ: Okay. Thank --

8 CHAIRMAN ANDERSON: No, the numbers look
9 pretty good. What -- there was one item, I think,
10 that -- on the action items that had to do with -- oh,
11 there's two items, I guess, the performance measures
12 and the -- and the -- the cubicles. Do you address
13 those now or address them later, or what -- what's the
14 status on -- I think the performance cost has been
15 changed as a measure on your -- on your monthly
16 report.

17 MR. GOMEZ: Oh, yes. You mean reporting
18 the case -- cost per case?

19 CHAIRMAN ANDERSON: Yes, to reflect that
20 it's a -- it's a positive number as a result of -- of
21 being better than the budgeted item. I think that's
22 been changed.

23 MR. GOMEZ: Yes, sir. It was changed to
24 a positive number. For this month -- and I'm getting
25 ready to send this out, probably this afternoon, send

1 it to out to you-all, the monthly Performance Measures
2 Report for the division.

3 We -- to address that particular issue,
4 average cost per employment and housing complaint
5 resolved, the current month 994,048, and we're talking
6 about March. For the year-to-date figure, that's
7 1,014.53, and the target being 1,073.23. So, we're at
8 105.79 percent.

9 In other words, we're -- it's costing us
10 less to work the cases and what our target is. And,
11 again, this is for the month of March that is
12 complete, and I was preparing to send it out this
13 afternoon.

14 Along with the Performance Measures
15 Report, since this month we do have a performance
16 briefing with TWC, before the TWC Commissioners, I'm
17 also going to be attaching the two EOVs for the two
18 nonkey measures that we're currently under to give you
19 an explanation of the variance on that. And one is
20 pretty close. It's 48.39, and that's for the number
21 of on-site personnel policies conducted and approved.

22 And we're -- we're -- in March our
23 target for the year should be 58.33 percent for
24 performance standards. And our EEOE -- V basically is
25 the same as it has been in years past, in that the --

1 these policy reviews go through a process, and it's
2 usually a 90-day process and that if -- that is, if
3 everything goes accordingly.

4 And so if we compare that to the number
5 of on-site policy -- personnel policy reviews that
6 have been initiated, conducted and are pending
7 approval, then we're exceeding the 58.33 percent,
8 because the ones that have been initiated, conducted
9 and pending approval, we have 19 year-to-date, which
10 brings us to a 61.29 percent. So, that shows that
11 difference there, that variance, and I will attach
12 that to the Performance Report that I'll send out this
13 afternoon to you-all.

14 CHAIRMAN ANDERSON: And for the
15 record -- and Gene can also address this -- we're --
16 we're not -- I didn't request and you're not providing
17 the positive numbers to override what the fact is --
18 what is the fact, which is the -- the true numbers,
19 the true results compared to what the goal was. So,
20 we're not trying to manipulate the numbers. All we're
21 trying to do is reflect accurately what the -- what
22 the percentage is, that we're doing better than the
23 goal as far as cost.

24 MR. GOMEZ: Yes, sir.

25 CHAIRMAN ANDERSON: Is that correct,

1 Gene?

2 MR. CRUMP: For the record, Gene Crump.

3 Yes, sir, that's absolutely correct.

4 CHAIRMAN ANDERSON: Do you want to take
5 the lead, or do you want Daryl to take the lead on
6 the --

7 MR. CRUMP: I'll take the lead on the
8 cubicles, sir.

9 Good morning, Commissioners. Gene
10 Crump, Deputy Executive Director. We are looking to
11 gather up enough dollars to fund cubicles for the
12 Civil Rights Division this year. Again, from the
13 Texas Workforce Commission's standpoint, 92 percent of
14 our budget is federally funded. 90 percent is
15 federally funded.

16 A lot of the other general revenue
17 dollars are tied up as -- as matching dollars, but we
18 do have some flexibility this year. And we'd like to
19 use those dollars to help fund those cubicles. So,
20 we're moving positively on that.

21 CHAIRMAN ANDERSON: Okay.

22 MR. CRUMP: May I make one other
23 comment, sir?

24 CHAIRMAN ANDERSON: Sure.

25 MR. CRUMP: As -- as I was sitting there

1 think about what's going on right now, I would like to
2 advise the Texas Commission on Human Rights we are in
3 the strategic planning cycle of the state biennial
4 budget cycle, which means we're putting together the
5 strategic plan for the TWC Commissioners. That will
6 be followed by the Legislative Appropriation Request.

7 As Robert was talking about how we fund
8 EEO complaints -- and we -- we recognize that we are
9 partially funded from the EEOC, but that's also
10 supported by general revenue dollars, it will be that
11 time of year when we submit an exceptional -- if we
12 wanted to submit an exceptional item to the state
13 legislators for additional general revenue dollars to
14 be able to fund and support and complete more EEO
15 complaints. So, I -- we talked about this several
16 times in the past, about how the cycle works. So, we
17 happen to be in that cycle.

18 The Commissioners will begin looking at
19 our LAR in late July and early August. So, just for
20 the record and y'all's planning purposes.

21 Are there any questions about --

22 CHAIRMAN ANDERSON: I think the -- the
23 issue is, have we done our analysis from the CRD's
24 point of view so that we can get with the financial
25 people at TWC to either say we're fine where we are or

1 to justify an increase in the staffing to meet the
2 demands of the investigations that are -- that are
3 generated by -- both in housing and employment, either
4 or both.

5 MR. CRUMP: And -- and, sir, I -- I
6 didn't mean to put anyone on the spot --

7 CHAIRMAN ANDERSON: No --

8 MR. CRUMP: -- but it just dawned on me
9 that -- I should have been more prepared, but it just
10 dawned on me that we're in that cycle. I don't know
11 how exceptional items will be viewed this year.

12 I -- we haven't received a policy letter
13 yet from the Legislative Budget Board and the
14 Governor's Office of Budget, Planning and Policy.
15 Generally speaking, the last two bienniums, they have
16 instructed agencies to submit a budget at 95 percent
17 of your general revenue dollars. And then they
18 consider whether or not to, if you will, return --
19 return you to 100 percent, and then they consider your
20 exceptional items.

21 But you're -- you're correct, sir, that
22 would be the next step for the division.

23 MR. GOMEZ: And at -- at each step we do
24 meet with the -- whoever within TWC we need to meet.
25 Daryl and I were just talking before the meeting,

1 Chair Anderson, that we do have to set up a meeting to
2 see where we're going to go from here as far as C --
3 CRD is concerned. And that's because, again -- you
4 know, and -- and Daryl will agree with me on this, so
5 will Gene, that, you know, the way that we're funded
6 is kind of, you know, dependent on what we produce and
7 as far as closures.

8 That was another reason that, if you
9 recall when I mentioned the three positions that we're
10 hiring, that was one of the major reasons that we're
11 hiring an Investigator 3, to allow for that learning
12 curve, where there is no full production from that
13 investigator during the learning process which, again,
14 production yields revenue and that reflects on our
15 budget. So, that was one thing that we did do. But
16 at each -- at each step, at each point in time, we do
17 meet with either Daryl or with Gene's office to
18 address the budget that -- the upcoming budget.

19 CHAIRMAN ANDERSON: Generally, if you
20 have more investigators, you'd be able to close --
21 take in and close more cases. I mean, it's just -- I
22 mean, the cases are out there, I assume.

23 MR. GOMEZ: The cases are out there.
24 And it depends on the fluctuation also of inventory,
25 because, you know, going back towards the middle of

1 last year we were very low on inventory, if y'all
2 recall, that I -- I reported that to y'all. We were
3 very low on inventory as far as employment. So, we
4 contacted the EEOC, and they started sending us cases.

5 Well, now we have a -- an overabundance,
6 not only in housing on cases that are aging, but
7 also -- which is true across the nation, that we heard
8 again last week at the HUD Conference. But also now
9 in employment we have an ample supply of -- of
10 inventory in employment.

11 So, yes, if the individuals that we
12 hire, if the additional FTEs are going to produce to
13 sustain their salaries and -- and their overhead and
14 all that with the two-thirds that they do have to
15 sustain themselves with the EEOC revenue and the HUD
16 revenue and the other third comes from general
17 revenue. So, all that has to be balanced and --
18 and -- and looked at.

19 And, again, I go back to wanting to hire
20 these three new investigators as Investigator 3s so we
21 won't have to provide that salary at Investigator 5
22 when they're producing at a lower level, which will
23 negatively impact our budget.

24 CHAIRMAN ANDERSON: So, I don't need to
25 bring up the fact that our inventories in aging are --

1 are higher than -- than they have been, when we get to
2 that point in -- in the presentation, because you've
3 already acknowledged it. Right?

4 MR. GOMEZ: Right. Right. We have
5 ample inventory right now.

6 The -- the thing is, like I say, last
7 week when we went to the HUD Conference in Atlanta we
8 did hear from FHAPs across the nation that they have
9 an ample supply of -- of inventory. And it's all due
10 to the outreach, especially after Katrina/Rita that we
11 did outreach here in Texas and also across the -- the
12 other states that are -- that neighbor Texas. They
13 have an ample supply of -- of cases as far as housing
14 discrimination cases are concerned.

15 So, when you have a high inventory and
16 you can't get to them, then they're going to age. So,
17 we do have to address that issue, also.

18 CHAIRMAN ANDERSON: Okay. Thank you.

19 Thank you, Gene.

20 MR. GOMEZ: At this point in time, I am
21 done. And before bring Vickie up, I would like to --
22 I -- I kind of mentioned the HUD Conference that we
23 attended last week.

24 But we, my two managers/supervisors and
25 Commissioner Khalifa and myself attended that

1 conference, the HUD National Policy Conference.

2 And at this point in time, if I may,
3 Commissioner Khalifa, not putting you on the spot, but
4 if you would like to share your views or -- or what
5 you experienced at that -- at that conference. I
6 thought it was pretty positive, and so did my
7 managers. But we'd like to get it from your
8 perspective.

9 COMM. KHALIFA: Personally, I -- it
10 was -- it was an eye-opening experience for me to see
11 what the rest of the country is doing and what we're
12 doing in Texas and how things are done elsewhere, and
13 it was very educational, as far as I was -- we learned
14 a lot about different things and good thing some of it
15 isn't happening in Texas.

16 MR. GOMEZ: And I can mirror those
17 comments by saying the same thing. The plenary
18 sessions, the panel sessions that they had were very
19 informative, very interesting. And the break-out
20 sessions that they had in the afternoon, they kind of
21 structured it so they addressed similar topics as were
22 addressed in the morning on the -- in the plenary and
23 the panel discussions.

24 COMM. KHALIFA: I'd like to add
25 something that was blatantly obvious is that we're a

1 huge state, and this is a big job that we do as the
2 Texas Human Rights Commission. And it's almost -- how
3 do you say it? It's almost embarrassing that we're
4 under another Commission, the Texas Workforce
5 Commission, which is employment, and we do housing.

6 And, personally, it would be -- I think
7 it would be a whole lot better if we were a Commission
8 all on our own, and that was something I brought back
9 with me by going to that conference.

10 MR. GOMEZ: I have no further
11 information and, again, open it up to questions. If
12 there's no questions, then I'll bring up Manager
13 Vickie Covington to give you information on
14 employment.

15 CHAIRMAN ANDERSON: I'd like to see if
16 you can put in the budget and be able to -- to get
17 through the budget for one or two, again,
18 Commissioners to -- to attend and travel to some of
19 these conferences. I think it's -- it's beneficial.
20 Obviously, we want staff to go, but I think
21 Commissioner Wipf has a long tenure on the -- on the
22 Commission.

23 And I'm sure she's been to -- you've
24 been to one?

25 COMM. WIPF: I have been to

1 (inaudible) --

2 CHAIRMAN ANDERSON: Okay.

3 Well, I think it would be good, and I
4 don't -- I know Commissioner Michalka hasn't gone,
5 Commissioner James. I'm not sure about Commissioner
6 de Santiago.

7 But that would be -- if we put it in the
8 budget that we can also include some of the
9 Commissioners to one or two of these meetings, it
10 would be good for them to meet and talk with other
11 Commissioners and -- and to find out what's going on
12 in other states.

13 MR. GOMEZ: Yes, sir. And on that note,
14 we do have IAOHRA that's coming up in September in
15 Detroit, because the next HUD Annual -- or HUD
16 Conference, it will be in two years. And the FEPA
17 Conference will be coming up probably next -- next
18 calendar year also, because we just went to that in
19 Los Angeles about a month back.

20 But the other major -- major conference
21 that I believe the Commissioners would really gather a
22 lot of good information -- like Commissioner Khalifa
23 stated, he got to meet individuals representing or
24 doing what we're doing across the nation, and that's
25 very helpful. But also IAOHRA is international, so we

1 have people outside of the United States that attend
2 that IAQHRA Conference. And this year, again, it's
3 going to be in Detroit, and it's going to be in
4 September.

5 CHAIRMAN ANDERSON: Well, I hope that
6 the IAQHRA Conference is not biased to any particular
7 point of view, nor are they biased in any particular
8 political party. We represent all the
9 employees/employers in the State of Texas. And if
10 that continues, then we're going to have to revisit
11 our continued participation because, you know,
12 we're -- we're not going to go down that road.

13 COMM. KHALIFA: Can I add something to
14 that?

15 The HUD Conference was equally as --
16 I -- I don't know the word to use, but they -- it was
17 very much one-sided on -- and -- and -- on a political
18 party. It wasn't out there. It wasn't said, but it
19 was very one-sided on which -- on one political party.

20 So, I think in any of these conferences
21 where you have these kind of -- where we do this kind
22 of work, you are going to have more of one side than
23 the other represented, and that's just the fact at
24 these conferences, whether they're HUD put on by the
25 government -- government or by IAQHRA.

1 AGENDA ITEM NO. 5

2 MR. GOMEZ: Okay. Ms. Vickie Covington,
3 Employment Manager.

4 MS. COVINGTON: Good morning,
5 Commissioners, TWC staff, and any guests that we may
6 have. For the record, my name is Vickie Covington,
7 and I'm the Manager of Investigation Team 1. And this
8 morning I would like to share with you our employment
9 performance.

10 To begin with, if you'll look at our
11 case inventory, through the month of March we had 559
12 cases filed and 588 cases resolved, leaving us with an
13 ending inventory of 480. Our ending inventory
14 continues to hover between 450 and 480, because our
15 cases received and our closures are basically running
16 about the same rates.

17 Are there any questions pertaining to
18 this slide?

19 (No response)

20 MS. COVINGTON: This shows our closures
21 by type. And what I'd like for you to do is to look
22 at our no fault settlement rate and also our
23 withdrawal with settlement rate. And currently those
24 are running, at least for the last quarter, about 17
25 percent overall.

1 Are there any questions?

2 (No response)

3 MS. COVINGTON: Next slide.

4 This shows our employment cases closed
5 by ADA, ADEA and Title VII, and Title VII continues to
6 be our largest category as far as closures.

7 Are there any questions?

8 CHAIRMAN ANDERSON: Why do we continue
9 monitoring Chapter 22 when it's -- you know, we're not
10 going to be --

11 MS. COVINGTON: Actually, it will drop
12 off after this fiscal year, when Fiscal Year 2007 will
13 shift to the left and will only reflect Fiscal Year
14 2007 and 2008.

15 CHAIRMAN ANDERSON: I mean, there are no
16 more Chapter 22 cases, right, that was just --

17 MS. COVINGTON: That's -- that's
18 correct, Commissioner. But if we take out the 43 --
19 if we take out the 43 Chapter 22, that will reflect a
20 decrease in the total amount of cases that we resolved
21 for 2006. We can do that, but it will actually drop
22 off next fiscal year.

23 MR. GOMEZ: It's kind of -- yes, both
24 statements are true, because it will drop off once we
25 start reporting next year -- this year's last year.

1 But also there was a change in what we actually do
2 with those cases.

3 Initially, those cases, when we took
4 them on as Chapter 22, we were instructed to process
5 them as regular cases. But then afterwards, we got
6 clarification that we needed to address those cases in
7 a different manner just to provide a -- a referral
8 service, sort of like referral cases.

9 So, since we did expand that staff time,
10 they're still staying on here as cases we did work
11 because we were instructed to work these cases the
12 same as all other cases. In other words, these 22
13 cases we did put substantial staff time -- staff time
14 and effort to work these cases.

15 MS. COVINGTON: Are there any other
16 questions?

17 (No response)

18 MS. COVINGTON: These are our -- our
19 disability closures. And in looking at last quarter
20 and comparing it to the year before, we actually saw a
21 decrease in our merit resolutions for the disability
22 closures. There was a drop from 16 percent to 10
23 percent.

24 Are there any questions?

25 (No response)

1 MS. COVINGTON: And for our aged
2 closures, right now the merit resolutions are running
3 at 19 percent, and that's basically identical to the
4 merit resolutions for the quarter during the same time
5 period of last fiscal year.

6 Are there any questions?

7 (No response)

8 MS. COVINGTON: Our Title VII closures,
9 when I did a comparison between the same time period
10 last year, the merit resolutions were at 11 percent
11 versus 19 percent for the past quarter.

12 CHAIRMAN ANDERSON: Any particular
13 reasons that -- in your analysis that you can see
14 these changes, these trends?

15 MS. COVINGTON: Well, what I -- what I
16 believe is happening -- and I don't have any data to
17 support it -- I think what happens is, as the
18 complaints are being filed, respondents react to
19 whatever complaints are being filed at the time. And
20 so if disability complaints are the majority of the
21 complaints being filed, that triggers some internal
22 changes within the organization and maybe some
23 training.

24 And so while you're training for
25 disability, then the other areas might not get the

1 attention that they need. And so it's important for
2 respondents, when they're doing the training, to not
3 just train on one particular subject but to train on
4 all the protected statuses.

5 Are there any other questions?

6 (No response)

7 MS. COVINGTON: And this slide shows the
8 age of our pending inventory. We're still working
9 hard on our aged cases. You'll see that we actually
10 have 38, and that's an increase of about 1 to 2
11 percentage points for our aged category, if you look
12 at the last three categories.

13 We still continue to work those cases
14 that are at the top of -- of our aged list. And the
15 majority of those cases actually represents our more
16 difficult cases, where they're potential cause, and
17 we're trying to gather the evidence to support
18 actually bringing those cases for cause resolution.
19 And in some cases, you know, the respondents might
20 decide that they want to go ahead and settle those
21 cases.

22 So, are there any questions?

23 (No response)

24 MS. COVINGTON: If there are no
25 questions, I'll be followed by Alice MacKenna, Manager

1 of Investigator Team 2.

2 AGENDA ITEM NO. 6

3 MS. MacKENNA: Good morning, Chair
4 Anderson, Commissioners. For the record, my name is
5 Alice MacKenna, Manager with the Texas Workforce
6 Commission - Civil Rights Division.

7 Our housing case inventory, as you can
8 see, there's been somewhat of a -- a trend here. In
9 FY '06 we began the generalist process, and as we can
10 see we received 47 more complaints than we closed.
11 For a good portion of FY '07 we returned to the
12 specialist process -- the specialized process and
13 closed 54 more cases than we received.

14 We're in the second quarter of FY '08.
15 And as stated, we are -- and as you can see, we're
16 already 22 cases down. We've received 22 more than
17 we've closed, and we are back to the generalist
18 process.

19 I just wanted to bring that to your
20 attention when I noticed this slide on the inventory.

21 Any questions?

22 CHAIRMAN ANDERSON: Well, when we have
23 generalists, you can assign more investigators to do
24 more housing cases to work that inventory down.

25 MS. MacKENNA: With a detriment maybe to

1 employment, because we still have to keep the
2 employment for the contract --

3 CHAIRMAN ANDERSON: But if both of them
4 are up, then -- then, obviously, that's -- that tells
5 you something else. But if -- if just one side is
6 up -- which, apparently, it's not -- but if one side
7 is up, the generalist, you can just say, "I want you
8 to work three cases this -- this quarter, rather than
9 two" or something like that. I mean, that's up to
10 management how to distribute the workforce.

11 MR. GOMEZ: Yes, sir. We're -- we're
12 looking at that. But like Alice stated, you know, we
13 have a high inventory in both areas. We have a high
14 inventory in employment, high inventory in housing.

15 And then, with EEOC, we do have a
16 contract where we have to meet a certain number versus
17 the LBB target, how that's combined that, that, you
18 know, we -- we should meet and we have met for the
19 past seven months in this fiscal year. So, we are
20 going to get together with staff and -- and -- and
21 work as a team to try to address, especially the aging
22 cases in housing.

23 So, that's how we're going to go about
24 it. In fact, this afternoon, we're going to meet with
25 investigative staff and share this information with

1 them and see what -- where we can brainstorm and what
2 we can do with that.

3 CHAIRMAN ANDERSON: And depending on
4 your analysis, it may give you the ammunition or
5 the -- the justification to request some additional
6 staff. But until you've done the analysis and say,
7 "This is a trend, and this is what -- what's
8 happening," I don't think it's because of the
9 generalists. I think it's because of the caseloading.

10 And, you know, like I said, we have the
11 flexibility. If we want to move a couple of
12 investigators to do more housing from the employment
13 side, that's -- that's -- that's your call.

14 MR. GOMEZ: That's correct. And, also,
15 you know, I -- again, I mentioned the fact that we do
16 have those three vacancies. And the three
17 vacancies --

18 CHAIRMAN ANDERSON: Sure.

19 MR. GOMEZ: -- basically are in housing
20 primary investigators. So, that also figures in.

21 MS. MacKENNA: Next slide, please.

22 This -- this slide is very
23 self-explanatory. It shows you the way we closed each
24 case -- each case. And as you can see, we still
25 continue to close most cases with a full and thorough

1 investigation, as is reflected by the cases in the no
2 cause area here.

3 Any questions?

4 (No response)

5 (Brief pause-system interference)

6 MS. MacKENNA: Okay. This slide
7 reflects the age of the pending housing cases, and
8 they do remain high. Our aged cases are high.
9 They're too high.

10 And I've already given somewhat of an
11 area where we saw a trend, and it might appear to be
12 somewhat negative. But the positive for having any
13 aged cases is the outreach and education that we've
14 been doing. The efforts have been highly successful.

15 We have more cases filed in the last
16 couple of years than we've had ever filed. So, the
17 efforts are paying off, in one respect.

18 Any questions?

19 (No response)

20 MS. MacKENNA: As usual, I'll tell you
21 what's been happening in housing since we last met.
22 And, of course, most of what's already happened has
23 been reported to you through David and Robert.

24 But one question you did have, Chair
25 Anderson, is how we track cases. And because of the

1 Houston to outreach a fair housing event that the --
2 Houston Greater -- the Fair Housing Council of Houston
3 is hosting, and we will be there. Gary Sweeney from
4 HUD will be there, also.

5 And just a quick update on the Training
6 Academy. We are still sending investigators to the
7 Training Academy, as required by HUD. We have sent,
8 last year and the year before, the required number of
9 people to the academy. And this year we're on track
10 to do that again.

11 We have sent people in February. We
12 have sent some people in May. And, again, there will
13 be a group going in July.

14 Any questions?

15 (No response)

16 MS. MacKENNA: If there are no
17 questions, I will hand it over to Tony Robertson,
18 Manager for Training and Monitoring and ADR. Thank
19 you.

20 CHAIRMAN ANDERSON: One of the questions
21 that have come up from a couple of the Commissioners
22 is -- is if we've lost three investigators here
23 recently, what is our -- the last couple of years, the
24 last several years, what has our history been?
25 What's -- what's the turnover been? Is it -- is this

1 a blip or is this a trend or is this about normal?

2 MR. GOMEZ: I would say it's about
3 normal, Chair Anderson, simply because -- for example,
4 on the three recent departures that we've had they
5 have been totally different reasons, you know. But
6 they have been totally different reasons. I really
7 don't want to share the reasons, because a couple of
8 feel were given in -- in confidence, confidential.

9 But one of them did obtain a similar
10 job, investigator, with another state agency that he
11 was going to be making more money. So, he left. And
12 so the -- but the other two had totally different
13 reasons for leaving.

14 But I think this is just normal. We --
15 you know, as managers, we accept the fact that we --
16 we have to deal with these situations. And, again,
17 you know, I this is sounding like a broken record now
18 or whatever, repeating. But that's why we did decide
19 to hire these three new investigators as -- as
20 Investigator 3s, because they're not going to be
21 producing at the full performance standard for about
22 six months to a year.

23 So, if we hire at a lower salary level,
24 we don't expend that salary and -- and still can
25 contend with the fact that they're producing less,

1 being able to spend that salary that's less, which
2 will impact the -- the budget negatively much less.

3 CHAIRMAN ANDERSON: Why don't you go
4 ahead and make this an action item, then, and -- and
5 see if you can't give us, for the last three years,
6 what the turnover has been, both number-wise and maybe
7 a percentage, and see if -- see what the -- the trend
8 is. And I don't know --

9 MS. MacKENNA: Commissioner --

10 CHAIRMAN ANDERSON: -- I don't how long
11 it will take. It probably wouldn't take very long,
12 but you can either send it to -- to all the
13 Commissioners or -- electronically --

14 MS. MacKENNA: Chair Anderson, if I may
15 address that point --

16 CHAIRMAN ANDERSON: Sure.

17 MS. MacKENNA: I've been with the
18 Commission -- when it was Texas Commission on Human
19 Rights and now with TWC-CRD just shy of 20 years.
20 This has been an ongoing problem. We -- we train
21 investigators. For one reason or another, they will
22 leave.

23 It's not always a negative. They found
24 a better job. They've got the training and can go on
25 to bigger and better things. It has been historically

1 about a 20 percent turnover rate each year.

2 COMM. KHALIFA: What would also be
3 interesting is of those that don't turn over that
4 much, what's the longevity of the folks that we do
5 have. How long have they been with us?

6 MR. GOMEZ: That would be -- that would
7 be a good statistical information --

8 COMM. KHALIFA: Because that -- to look
9 at one side and not to look at the other, I don't
10 think, would be fair --

11 MR. GOMEZ: Right.

12 COMM. KHALIFA: -- but see the ones that
13 are staying and how long they've been with us would be
14 very interesting, as well.

15 MR. GOMEZ: Right.

16 And I think this is a trend. We do get
17 a report from TWC showing the people that have left,
18 the turnover of people that have left and their
19 external comments and all that. And it's interesting
20 to note that there's two main reasons that people
21 leave: One is discontentment with management, and
22 one -- the top one is salary or money that they're
23 making.

24 And then, when you look at another
25 aspect of that statistical information, it says the

1 reason -- or where they -- did they go to the private
2 section and retire or go to another state agency. And
3 it's very odd that the top -- the top percentage in
4 that category is that they go to another state agency.

5 So, you know, they're -- you have people
6 moving from one state agency to another that is
7 looking for that higher salary, a higher position.
8 But we can go ahead and do that.

9 I know that one last thing on this
10 issue -- or to address this question, when I reported
11 at the executive staff meeting that I attend every
12 Monday, when I reported that we had lost three
13 investigators at one time, I know that one of the
14 directors for one of the divisions said, "Well, you
15 know, I know what you mean, because in the last four
16 weeks I've lost five staffers." And then from across
17 the table another division director stated, "Well, I
18 lost two in the last couple months."

19 So, it's -- it's a trend that's out
20 there. It's a trend that you look at the reasons,
21 again. And, ironically, you know, it's a -- the same
22 two reasons with all state agencies, money and
23 management. And then they wind up with another state
24 agency. So, it's kind of ironic on that point.

25 But, anyway, we'll get you that

1 information, that statistical information, and we'll
2 send it out to the Commissioners.

3 CHAIRMAN ANDERSON: I'm -- I'm not
4 putting any credence and any anecdotal comments that
5 were made prior to the meeting today as to my
6 question. It's just from a -- a historical and
7 management perspective. I mean, the General Counsel
8 for TWC left and went to another agency.

9 MR. GOMEZ: Right.

10 CHAIRMAN ANDERSON: So, it's not just
11 investigators, it's not just, you know, the general
12 workforce, it's -- it's people throughout all the
13 organizations. And that's -- that's fine.

14 But I think if we can see it and -- and
15 look at it and touch it, I mean, maybe there's some
16 analysis and -- and also some plan to put in place
17 that could address it, short of increasing everybody's
18 salaries by X percent.

19 MR. GOMEZ: Okay. Yes, sir. We will do
20 that.

21 COMM. WIPF: Robert, I have a couple of
22 comments.

23 MR. GOMEZ: Yes, ma'am.

24 COMM. WIPF: Since we are tied up with
25 TWC, we might be able to extrapolate the information

1 that they have as to the attrition rate, as far as
2 employment is concerned. We may have to our change
3 our hiring processes. We may be hiring overqualified
4 people so that we lose them just as quickly.

5 And then, when we can correlate that
6 with the number of people who are actually staying and
7 fairly satisfied and retiring from our agency, then we
8 could have a better picture. And maybe when we
9 present our next budget, we could actually make
10 provisions for that so that we could be more
11 competitive with other state agencies.

12 The second thing is, when we prepare
13 this upcoming budget, I would like to see if we can
14 increase our appropriation for travel. Now, with the
15 gas prices and also with our agency covering more
16 areas with the outreach, it may behoove us to provide
17 more money on travel.

18 MR. GOMEZ: On travel, yes, ma'am.

19 AGENDA ITEM NO. 7

20 CHAIRMAN ANDERSON: Okay. Tony, I think
21 you're up now.

22 MR. ROBERTSON: Thank you, sir.

23 CHAIRMAN ANDERSON: Are -- are there any
24 other questions, Commissioners?

25 (No response)

1 MR. ROBERTSON: Good morning,
2 Commissioners -- Commissioners -- good morning,
3 Commissioners, Chair Anderson. For the record, Tony
4 Robertson, Manager of Training and Monitoring, ADR and
5 Special Projects.

6 And, for the record, I'm staying. I'm
7 not going anywhere. So, I just want that to be known.

8 Good morning. If -- if you would take a
9 look at the first slide, this is the key slide that
10 I -- I really want to put some emphasis on. The ADR
11 staff is doing an outstanding job. This is as of the
12 second quarter. They have closed 121 cases.

13 And, folks, that's outstanding. That's
14 compared to last when we were looking at their
15 performance measures of closing certain cases a month.
16 With that change that has happened and the rolling
17 average that has taken place with our -- excuse me,
18 with our ADR staff, they're rocking and rolling.

19 And I just want to say publicly that
20 they're doing an outstanding job. And they're keeping
21 up the good work.

22 For the month of March, they've closed
23 some 28 cases between the three of them. So, these
24 numbers are not reflected on here, and they're rocking
25 and rolling in April, as well.

1 Also, as of the end of February the
2 total monetary value or dollar amount that has
3 happened, savings towards the State of Texas and for
4 the people of Texas has been a total of \$784,683.

5 Next slide.

6 MR. GOMEZ: Let me interject here, Tony.
7 On the Performance Report that I'm going to send out
8 this afternoon, you're going to see that management
9 performance measure that we do have on the closures
10 for number of mediation sessions conducted and
11 completed. For the month of March we had 30 --

12 MR. ROBERTSON: 30.

13 MR. GOMEZ: -- and the year-to-date 151.
14 The LBB target or it's -- it's really a target that we
15 have set for the number of closures that the mediators
16 have to have is 180. So, I mean, they're way over
17 the -- the closure percentage.

18 Again, for March we should be at 58.33
19 percent, and the mediators are at 83.89 percent. So,
20 it's outstanding, and I echo what the -- the comments
21 that Tony made about the ADR staff. It's outstanding.

22 MR. ROBERTSON: Thank you, Mr. Gomez.

23 The next slide reflects the four-hour
24 workshops conducted and requested by state agencies,
25 private employers and trainings per Statute 21.556.

1 Please take a review of that. And If you have any
2 questions, I entertain them now.

3 (Brief pause)

4 MR. ROBERTSON: If there are no
5 questions, next slide.

6 This slide deals with our EEO housing
7 presentations and EEO presentations that we've
8 conducted. If you'll notice that we've had an
9 opportunity for the second quarter to conduct five EEO
10 trainings this year and five -- or up till February
11 and five housing presentations, as well, which gives
12 us a total to date of 34 mandatory and nonmandatory
13 trainings that we -- or presentations that we have
14 done and conducted for second quarter FY '08.

15 Next slide, please.

16 This particular slide, as you know, the
17 LBB measure has -- and -- and this is a key measure
18 for me in my particular area. That LBB measure has
19 been dropped down this fiscal year and the following
20 fiscal year for '09, as well, to 650. Currently,
21 we're showing 156 total for year-to-date.

22 But Mr. Gomez will also share some new
23 data with you, as well, for the month of March when he
24 sends that e-mail out to you. We will meet our number
25 of 650 individuals trained in EEO training. Our EEO

1 presentations, as you see, are 3,429.

2 And, folks, once again, I -- I have to
3 keep reiterating the fact that this is mainly due to
4 the fact that we do have a -- a -- an outstanding
5 staff member that is a part of Commissioner Lehman's
6 Texas Business Conference. And so we get all that
7 data and we get all of those attendants, as well. And
8 then, our individuals at housing presentations this
9 year has been 663 in the month of February -- or,
10 excuse me, for the second quarter.

11 Next slide.

12 Our personnel policy reviews are -- are
13 tracking on -- on target. To date, as you see, we've
14 conducted 15 year-to-date. We have certified 12, and
15 we have zero that are -- have not been in compliance.

16 Next --

17 CHAIRMAN ANDERSON: What's the goal?

18 MR. ROBERTSON: Sir?

19 CHAIRMAN ANDERSON: What's the goal?

20 MR. ROBERTSON: The goal is 30.

21 CHAIRMAN ANDERSON: 30?

22 MR. ROBERTSON: Yes, sir.

23 CHAIRMAN ANDERSON: And one of the
24 things we've talked about in the past and -- both with
25 Mr. Gomez and I think you, also, is that -- that we

1 have these -- these -- as much as we can set up for
2 these reviews. And we don't wait for the numbers to
3 come in, as far as how many we have to do, but that we
4 go ahead and start scheduling them so that they --
5 that you start doing them in the beginning of the
6 fiscal -- the new fiscal year --

7 MR. ROBERTSON: Yes, sir.

8 CHAIRMAN ANDERSON: -- so we don't get
9 behind the eight ball. I think that will help us in
10 our presentations to -- to -- to us and to the TWC
11 Commissioners.

12 MR. ROBERTSON: That is correct, sir.
13 And thank you. And we have implemented that for '09,
14 as well as in our EEO mandatory trainings, as well.
15 We've moved them up to the front, or we've asked the
16 agencies who give it to us every year that do four or
17 five, to let's move them up front. And they have
18 agreed to do so. We've made that change, as well.

19 MR. GOMEZ: Yes. And let me go ahead
20 and, again, you know -- again, I'm going to send this
21 out this afternoon. But, again, the comparison is the
22 number of on-site personnel policy reviews conducted
23 and approved is the nonkey measure, and we're at 48.39
24 percent, and we're supposed to be at 58.33 percent.
25 But if you look again at the number of on-site

1 personnel policy reviews initiated, conducted and
2 pending approval, then we're meeting that goal,
3 because we have 19 year-to-date, which gives us a
4 percentage of 61.29.

5 On the EOY, again, if I may, on-site
6 personnel policy reviews conducted and approved,
7 legislation stipulates that all state agencies and
8 institutions of higher education have their personnel
9 policies reviewed once every six months. CRD has
10 established a six-year rotation calendar to ensure all
11 required reviews are conducting once every six years.
12 CRD's internal process allows for notification of
13 agencies identified to be reviewed at least 90 days
14 prior to the actual review or the on-site review.

15 So, this process does take time, 90
16 days, 60 days. And that's -- that is if everything
17 goes accordingly. If not, if they want an exception,
18 an extension to their time, then we look at each
19 personnel policy case individually.

20 So, it's a -- it's a cumulative number
21 that entails a drawn out procedure. And that's why we
22 have the numbers that, perhaps, are not meeting as far
23 as approved at the beginning of the fiscal year, the
24 first half of the fiscal year. But then, at the
25 second half of the fiscal year, we do reach that

1 number, because I believe the last year three years we
2 have reached that number on the policy reviews.

3 And, again, you'll see this on the -- on
4 the report that I'll send you this afternoon.

5 MR. ROBERTSON: Thank you.

6 The last slide basically covers our
7 firefighter reviews for the second quarter. We have
8 no problem meeting that number, as well, for the total
9 fiscal year.

10 If there's no other questions, that
11 concludes my presentation to you. I'll entertain any
12 questions you may have at this time.

13 (No response)

14 MR. ROBERTSON: If there are none, I
15 turn it back over to Mr. Gomez. Thank you.

16 MR. GOMEZ: Thank you very much, Tony.

17 One of the things that I did want to
18 restate was that this month is the National Fair
19 Housing Month. David shared with you the Press
20 Release that was sent out. And if y'all want a copy
21 of that, we do have copies of that Press Release.

22 Also, Alice mentioned the two activities
23 that we do have remaining for the month, which is the
24 Summit in El Paso, the Board of Fair Housing &
25 Economic Justice Center Summit, which is a fourth

1 annual this year. And, also, we have that luncheon
2 presentation by Gary Sweeney of HUD, the director for
3 this region, in Houston.

4 And, basically, that concludes our
5 report. And, again, I'll open it up for any questions
6 in any area or over any information that we've shared
7 with y'all.

8 I'd like to, again, thank Commissioner
9 Khalifa, before I do close here, for attending that
10 conference with us. And I thoroughly enjoyed your
11 company, both in and out of conference. So, I -- I
12 thank you for that.

13 COMM. KHALIFA: (Nodding)

14 MR. GOMEZ: And, with that, I don't have
15 any further information.

16 AGENDA ITEM NOS. 8 & 9

17 CHAIRMAN ANDERSON: Next -- prior to
18 Suzanna coming up and doing our training --

19 (Laughter)

20 CHAIRMAN ANDERSON: That look -- that
21 look of terror comes over her face. No --

22 MS. HOLT: I'm not aware of any
23 training --

24 CHAIRMAN ANDERSON: No, you're not.

25 (Laughter)

1 CHAIRMAN ANDERSON: July 16th and
2 October 15th, since the meeting is not going to be --
3 the IAQHRA meeting is not going to be in Austin, it's
4 going to be in Detroit, our meeting on July 16th and
5 October 15th is still good dates. Is that correct to
6 everybody's understand?

7 MR. GOMEZ: The IAQHRA meeting, Chair
8 Anderson, if I may, for this year had already been
9 set. What we were looking for, what the -- the IAQHRA
10 representatives were here to address the last
11 quarterly meeting to -- to you-all was for the
12 following year --

13 CHAIRMAN ANDERSON: Okay.

14 MR. GOMEZ: -- because they had Detroit
15 already set up. But I believe what they were out
16 there at the FEPA Conference in Los Angeles, I'm
17 pretty sure that they were being wined and dined out
18 there by LA. So, I think they decided to do it in LA.

19 I did get a positive from Leon Russell,
20 though, and -- and I think both myself and
21 Commissioner Khalifa got an opportunity to talk to
22 Mr. Russell, who is the President of IAQHRA. In
23 Atlanta we -- we spoke to him, and he basically told
24 us that, you know, we did not get it for the following
25 year, but that in 2010 that we would probably get it,

1 depending on whether or not this -- whatever issue
2 they had for next year is ironed out.

3 So, we assured him that --

4 COMM. KHALIFA: The issue wasn't with
5 us --

6 MR. GOMEZ: What's that?

7 COMM. KHALIFA: The issue wasn't with
8 us. It was with the Austin --

9 MR. GOMEZ: Correct. It was -- it was
10 some other agency and not us. And thank you.

11 CHAIRMAN ANDERSON: Since we are going
12 to be finishing up a little bit early, if the
13 Commissioners have some time, they may want to go over
14 to -- to the CRD offices and to talk with some of the
15 staff members and just find out what's going on in
16 their respective areas of responsibility, which is
17 employment, and I think you two have housing.

18 And is there anything else that we need
19 to discuss, since Suzanna is not going to do our
20 training today?

21 (Laughter)

22 COMM. KHALIFA: Thank you, Suzanna.

23 AGENDA ITEM NOS. 11 & 12

24 CHAIRMAN ANDERSON: The next meeting is
25 July 16th, and this meeting is adjourned at 10:45.

1 Thank you very much.

2 (Meeting adjourned: 10:45 a.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 2008.

JANIS SIMON
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