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P R O C E E D I N G S

WEDNESDAY, JULY 15, 2009

(9:09 a.m.)

AGENDA ITEM NOS. 1 & 2

CHAIRMAN ANDERSON: Good morning

everyone. We were waiting a few minutes. One of the Commissioners called and said that she was tied up in traffic. I find that unusual that there would be traffic problems in Austin, but --

(Laughter)

CHAIRMAN ANDERSON: -- maybe the rest of you will understand that. So we'll go ahead and get started. We have a quorum. And I'd like to welcome everyone to the July 15th meeting of the Commission on Human Rights. We do have -- she has arrived.

We still have one new Commissioner who was -- we had hoped would be here, but he has not arrived. So we do have six, and we will move forward.

I think the first order of business today, after welcoming everyone -- and thank you for coming -- is public comments. We have Marilou Morrison of Austin, Texas, and she would like to address the Commission.

What is the agenda items you're going to address, Ms. Morrison.

1 MS. MORRISON: Actually the agenda is
2 pretty vague, so it really addresses all of them.

3 CHAIRMAN ANDERSON: I'd like you to
4 identify something on the agenda that you're
5 addressing rather than --

6 MS. MORRISON: It really addresses all
7 of them -- all right. No. 3.

8 CHAIRMAN ANDERSON: Item No. 3. Please
9 keep your comments to three minutes, and address items
10 that -- the Agenda Item No. 3, and you're welcome to
11 step up to the podium.

12 MS. MORRISON: Is this on?

13 Thank you. Okay. I'm Marilou Morrison,
14 the former TCHRCRD employee that Chair Anderson likes
15 to refer to as crazy. However, I am also the person
16 who pointed out the Commission's problems before
17 Mr. Henry was hired to do the same thing.

18 I understand that Mr. Henry is back
19 because his expert advice and the direction he
20 provided previously were ignored and crisis time has
21 arrived. The black caucus was among those requesting
22 the current audit, which can only confirm that what
23 Commissioners have been told repeatedly, information
24 provided by CRD's management is not reliable.

25 For example, a HUD case over 300 days

1 and counting has recently been returned for rework, or
2 what is euphemistically referred to as technical
3 assistance. HUD is not obligated to pay in full for
4 cases closed after a hundred days, yet a lot of
5 investigator's time is being consumed by such.

6 CRD management routinely reports HUD
7 cases -- case closures that include many cases that
8 will be returned for additional work and for which the
9 CRD will not be paid in full until the case is
10 reworked and finally closed after additional work is
11 done. Additional work on cases already reported as
12 closed keeps investigators from working on new cases.
13 Competent managers could and would have caught the
14 problems before they were submitted to HUD for
15 payment, which would result in far fewer
16 time-consuming reworks.

17 Disabled Texans also have been
18 ill-served by the Commission's inability and failure
19 to investigate the design and construction complaints
20 that have remained in inventory for so very long. The
21 Commission's continued failures boil down to its lack
22 of competent management and leadership. It really is
23 that simple.

24 The director boasted in a previous
25 Commission meeting that demographics of Commission

1 employees consisted of almost exactly one-third white,
2 one-third black and one-third Hispanic. Anyone who
3 fails to understand what's wrong with that statement
4 is incapable of conducting a competent investigation
5 of a civil rights complaint and sorely in need of
6 training involving math and logic.

7 I reviewed the budget CRD submitted to
8 the LLB, and found that Mr. Crump was entirely correct
9 when he told the Commissioners that the numbers CRD
10 management projected are unattainable.

11 How long will this be allowed to
12 continue? Thank you.

13 CHAIRMAN ANDERSON: Thank you,
14 Ms. Morrison.

15 We have one new Commissioner who's in
16 attendance today, and I would like her to introduce
17 herself and tell the other Commissioners and the
18 audience participation about herself.

19 COMM. DIGGS: Do I need to --

20 CHAIRMAN ANDERSON: Yes, ma'am.

21 COMM. DIGGS: Good morning. My name is
22 Michelle Diggs, and I am very excited to be on the
23 Commission. I work currently for 3M. I'm a marketing
24 manager for them, and I've been there for about 15
25 years. But my -- the other side of me, I do lots of

1 community work for probably the last 20 years. I'm
2 mother of two very rambunctious boys, and a husband
3 who helps out. But I'm really glad to be here and
4 hopefully I'll be helpful. Thank you.

5 CHAIRMAN ANDERSON: Thank you,
6 Commissioner. The other Commissioner is Travis
7 Morris, and we -- like I said, we had hoped that he
8 would be able to be here, but unfortunately he had to
9 go out of town and we didn't know if he would be back
10 in time, and apparently he wasn't.

11 Also at this time I would like
12 Ms. Mac Kenna and Ms. Thomas to come forward. It's
13 our -- it's our pleasure to indicate that these two
14 fine state employees will be leaving and retiring --
15 not leaving completely, but retiring. We appreciate
16 all they've done for the Civil Rights Division and the
17 TWC and the State of Texas.

18 Ms. Thomas is the HR director for TWC,
19 and she's been a great help to both the agency, the
20 employees and to the Commission itself. So
21 congratulations.

22 MS. THOMAS: Thank you.

23 CHAIRMAN ANDERSON: Thank you very much
24 for all your time.

25 Alice Mac Kenna is the manager of

1 housing, Team 1, but has been over housing for many,
2 many years, and -- how many years have you been with
3 the CRD?

4 MS. MAC KENNA: With CRD, 20-plus.

5 CHAIRMAN ANDERSON: -- 20-plus. And
6 she's been a great leader, a great manager, done an
7 outstanding job of developing some -- some housing
8 investigators, and for that we're truly appreciative.
9 Congratulations and good luck to both of y'all. Thank
10 you very much.

11 (Applause)

12 AGENDA ITEM NO. 3

13 CHAIRMAN ANDERSON: Now we can get into
14 the more routine items. Item No. 3, the Discussion,
15 Consideration, Possible Action Regarding Activities
16 Conducted for the Second Quarter of Fiscal Year 2009,
17 and the rest of the items on there. And, Mr. Gomez,
18 the Director of the Civil Rights Division, would you
19 please proceed?

20 MR. GOMEZ: Yes, good morning, Chair
21 Anderson. Commissioners, good morning. And,
22 Commissioner Michelle Diggs, welcome to the
23 Commission. Good morning guests.

24 My name is Robert Gomez, and I'm the
25 Division Director for the TWC CRD, the Civil Rights

1 Division under the Texas Workforce Commission.

2 In your handout -- in your packet on
3 Page 3 you will find the bulleted items that I will
4 cover in the Director's report, which includes
5 meetings, projects, updates, projects, information,
6 staffing and report, networking contact updates,
7 summit conference attendance, customer service survey
8 evaluation and the future goals of TWC CRD. And I
9 will cover those in my report, and I refer you to the
10 first tab behind director, and basically I'll just
11 follow those bulleted items. At any point in time you
12 have any questions, please let me know, especially,
13 Commissioner Diggs, if you do have any questions and
14 you need for me to explain or elaborate, please let me
15 know.

16 Okay. The following are highlights of
17 my activities as director for TWC CRD since our last
18 meeting of April 15th, 2009. Continue to conduct
19 meetings with the civil rights management team, which
20 is CRMT, which includes the managers and supervisors
21 and myself, and my executive assistant. Those we try
22 to conduct twice a month. Sometimes there's some
23 calendar schedule conflicts, so we usually conduct
24 them -- or try to conduct them twice a month each
25 month with the management team.

1 Conduct a weekly telephonic meeting with
2 Chair Anderson. Every Wednesday morning at 8:30 we
3 have a conference call and I brief and update Chair
4 Anderson on the happenings for that week for TWC CRD.

5 Conducted weekly TWC executive staff
6 meetings. Those are on Mondays. And then listed
7 there is attended biweekly TWC Commission meetings.
8 During the legislative session these meetings were
9 held on a weekly basis.

10 We also have full staff meetings on a
11 quarterly basis. We usually try to meet the week that
12 you-all are in town in order to share with staff
13 information that we have received or information that
14 was shared with you Commissioners. In fact, we have a
15 full staff meeting next Tuesday, the reason being that
16 we have several people that are out of town. They're
17 attending the National Fair Housing Academy in
18 Washington, D.C., so we scheduled it for next Tuesday.

19 I had the opportunity to conduct
20 interviews along with my Executive Assistant Becky for
21 the Investigator 2 positions, and that encompasses a
22 staffing report. We're fully staffed at the present
23 moment. And the last two hires were the last two
24 Investigator 2 positions, which are intake positions
25 for the Division. These individuals do come with

1 extensive experience. One individual in particular
2 has worked for EEOC for quite a number of years, and
3 the other Investigator 2 intake investigator that we
4 hired used to work for TCHR when it was a stand-alone
5 agency. And at this point in time I would like for
6 them to stand up and be recognized, Mr. Rudy Martinez
7 and B.J. Taylor.

8 CHAIRMAN ANDERSON: Welcome.

9 MR. GOMEZ: I participated in meetings
10 with representatives of EEOC, the United States Equal
11 Employment Opportunity Commission, to discuss intake
12 procedures. Since we do have two brand new intake
13 positions, I touched bases with EEOC and met with them
14 on conference call and I also met with them when I
15 went to the EEOC FEPA conference in Baltimore last
16 month regarding how we could streamline, how we can
17 better serve the people of Texas as far as our intake
18 procedure is concerned. And I did glean good
19 information that we are going to implement as soon as
20 we get the intake investigators on track and
21 performing up to par in as far as considering their
22 learning curve, then we will implement some strategies
23 that I have obtained from EEOC that we shared and that
24 we're going to do as far as our intake process is
25 concerned. And probably I'll give you an update on

1 that at your next quarterly meeting.

2 I participated in meetings with TWC
3 internal audit staff concerning the activity-based
4 management audit. I did have a -- a de-briefing
5 conference last Thursday. They shared a lot of
6 information that was good information that -- in fact
7 information that just so happens to be helpful in what
8 we're planning to do for the new fiscal year. And
9 that kind of makes us feel as though we are on the
10 right track in some changes that we're going to
11 implement for the new fiscal year. And the
12 information that was shared by audit during this
13 activity-based management de-briefing will prove
14 helpful in implementing those changes and making those
15 changes this coming fiscal year.

16 Participated in several meetings with
17 budget concerning audit of the director's position.
18 Mr. Bud Henry, a consultant, came in last year and
19 basically spoke with staff and then the management and
20 then with myself. He came to -- he came back to do an
21 update, to see how everything that we had planned last
22 year to put -- to implement and put into place with
23 the division and see how that was working. And I
24 believe he'll have a report for y'all later on.

25 I attended the US Equal Employment

1 Opportunity Commission, the Fair Employment Practices
2 Agencies, the EEOC/FEPA conference -- annual
3 conference in Baltimore, Maryland. As I mentioned
4 before, I had the opportunity to sit down with
5 representatives of the EEOC and discuss at length
6 intake procedures and streamlining procedures that we
7 want to implement in the new fiscal year for TWC CRD.

8 Also on the budget side as far as
9 EEOC/FEPA budgeting, that was an item or an issue that
10 was discussed at length, not only by ourselves
11 obviously as a FEPA for the State of Texas, but the
12 other local FEPAs for the State of Texas and the FEPAs
13 nationwide in that the budget for the FEPAs in the
14 upcoming new federal fiscal year is going to be cut as
15 far as what cases they are going to pay us for and
16 what the contract will look like and the number of
17 closures that we can submit for payment to EEOC. Like
18 I said, that was one of the heated items that was
19 discussed at the conference.

20 CHAIRMAN ANDERSON: Did they indicate
21 how much of a cut?

22 MR. GOMEZ: No indication yet. I do
23 know that all indications do point downward as far as
24 the numbers. And then if we close more cases than
25 what they are stating that they can afford to pay us,

1 then we will have to submit an upward modification.
2 We have submitted an upward modification because of
3 the number of case closures that we have had as a
4 division, and our upward modification requests have
5 been granted the last two years.

6 I met with representatives of the Health
7 and Human Services Commission, HHSC, to discuss time
8 extensions to employment discrimination complaints
9 filed. HHSC, the civil rights division for HHSC, had
10 a changeover. The director left to take another
11 position. They had since hired a new director. I met
12 with the director and one of the assistant
13 commissioners -- associate commissioners -- and
14 basically just shared information on -- the biggest
15 issue was on time extensions on when we request
16 information as HHSC as the respondent and they need --
17 they needed to see who they went through and how to
18 streamline that request for extensions on providing
19 information.

20 We have always had a good working
21 relationship. I worked -- and that's where I come
22 from, from HHSC, and I used to work for the civil
23 rights division with HHSC, so that relationship is a
24 good relationship and we were able to iron out some
25 common ground as far as the extensions are concerned

1 for providing respondent information to TWC CRD.

2 Participated in telephone conference
3 with US Department of Housing and Urban Development to
4 discuss intake procedures. Again, as Chair Anderson
5 presented before I started my report, yes, we will be
6 losing our tenured experienced housing manager. She
7 currently manages both employment and housing, but
8 Alice Mac Kenna used to be our housing manager. I
9 know when I took over this division she had been the
10 housing manager for TCHR and also TWC CRD. So we're
11 losing a lot of experience and a lot of knowledge in
12 the housing area.

13 She is the -- currently and has been
14 doing under TCHR and TWC CRD -- the housing intake.
15 So one of the things that I considered in talking to
16 EEOC on our intake procedures with our new intake
17 investigators is also I took into consideration the
18 fact that -- how can we also have the intake
19 investigators or perhaps another supervisor or manager
20 take over the intake procedures for TWC CRD. And in
21 so doing or thinking about doing that for the new
22 fiscal year, I sat down and spoke with HUD to get
23 their input and what the -- what they would like to
24 share to us -- or with us in as far as how to
25 streamline and how to set up and intake procedure for

1 housing -- for the housing cases.

2 I participated in meetings with TWC
3 Human Resource Office concerning personnel issues. We
4 discussed several personnel issues with HR. We had a
5 very good sit-down face-to-face meeting with
6 representatives of HR, and I'd like to thank them for
7 the guidance and direction that they have given us
8 regarding those personnel matters.

9 Attended the tester training sponsored
10 by the US Department of Housing and Urban Development
11 in Fort Worth. Took several staff members up there to
12 Fort Worth, made it a day travel trip up there, and we
13 attended that tester program presented by HUD, which
14 was very helpful for us in knowing what goes on behind
15 the testing program.

16 Currently we utilize -- we don't do
17 testing ourselves as TWC CRD, but when we do have
18 special projects, we usually partner with our FIC
19 partners, and they do the testing for us. So it kind
20 of gave us an indication and some knowledge on the
21 background of what goes into testing, what goes into
22 the training of these testers that we utilize in our
23 special projects.

24 Attended the TWC fiscal year 2010
25 operating budget work session. We sat down with

1 individuals with TWC budget, ironed out the budget for
2 the upcoming fiscal year. And, basically, I think the
3 decision that we arrived at is that there are not
4 going to be major changes to our budget, and that
5 we're on track this year to meet budget. Therefore
6 next year also looks good to be on track to be met and
7 to utilize the same or similar type of budgeting.

8 Attended the conference on potential
9 housing cost case. We did have a couple of potential
10 housing cost cases that -- and those cases, I believe,
11 our legal support will be sharing with you later on
12 during this meeting.

13 Attended the Governor's signing of House
14 Bill 978 along with Chair Anderson. I did have the
15 opportunity to go to the signing of House Bill 978,
16 which basically, under the AEAAA, Americans with
17 Disabilities amendments -- and amendments act makes
18 state statutes substantially go over into the federal
19 law under AEAAA. And we did go to the signing. And
20 also while we were there I think we made some --
21 couple of good contacts from other community agencies
22 and organizations.

23 Conducted a meeting with representatives
24 of THE Texas Apartment Association. We have a very
25 good working relationship with the director of the

1 Texas Apartment Association. And he said he was going
2 to try to make the meeting, but I don't see him in the
3 audience or I would introduce him. He -- Mr. David
4 Mintz (phonetic), met with him, his staff and his
5 legal support, and we shared good information on his
6 membership. His membership -- the Apartment
7 Association membership usually are the respondents on
8 our cases, and for -- and what we were trying to do is
9 how to streamline and even make better the working
10 relationship that we do have with the Association and
11 their membership regarding response to certain
12 allegations or discrimination complaints that are made
13 against their membership.

14 Attended the TWC Quarterly Performance
15 briefing meeting. That was yesterday. Executive
16 Assistant Becky and myself attended the TWC quarterly
17 performance meeting. And basically in that meeting
18 the one thing that was shared about TWC CRD is that --
19 regarding our performance that we elevated our -- our
20 cost per case -- cost per employment in the housing
21 complaints resolved, that we elevated that from a not
22 meeting to a meeting the performance measure standard.
23 So that was the only thing that was shared about TWC
24 CRD at yesterday's meeting.

25 And also the last bullet on there give

1 you the following new contacts that I have made. A
2 couple of these again, just to reiterate, were made
3 during the Governor's signing of House Bill 978, and
4 there are some meetings that are going to be scheduled
5 with a couple of these individuals regarding what we
6 do and the service we provide to the people of the
7 State of Texas.

8 I have presented the two new intake
9 investigators at this point in time. If you would
10 allow me, Commissioners, I would like to also present
11 another new staff member that -- Mr. Tony Robertson,
12 manager for the training and monitoring section and
13 myself interviewed and selected. His name is Richard
14 Webb, and he is our new training and monitoring
15 trainer/reviewer. And, Mr. Webb, if you would stand
16 up, please.

17 CHAIRMAN ANDERSON: Welcome.

18 MR. GOMEZ: Mr. Webb comes to us from
19 HHSa, and he has extensive knowledge in training and
20 some in reviewing but mostly in training, and his
21 background is civil rights with EEOC. So we would
22 like to welcome him.

23 Before I introduce Jim -- Jim Ardel
24 (phonetic) who will present the budget information, I
25 would like to do something that in my job you get very

1 few opportunities to do things that are very, very
2 pleasurable and that I consider an honor in doing. So
3 at this point in time I would like to take the
4 opportunity, if y'all would allow me, to present to
5 Ms. Janet Quesnel -- Janet, if you would come up. I'd
6 like to read this if you would allow me to here,
7 Service Recognition Award: "The Texas Workforce
8 Commission wishes to recognize 30 years of time,
9 thought and energy contributed by Janet Gail Quesnel.
10 Our sincere appreciation for your dedicated service to
11 the people of Texas, May 9th, 2009. So this 30-year
12 certificate to Janet. Congratulations.

13 (Applause)

14 MR. GOMEZ: I would also like to add
15 that Janet -- not only has she put in 30 years with
16 the State, but she's also one of our employment
17 investigators that consistently meets or exceeds her
18 closure numbers. So I would like to congratulate her
19 for that also.

20 One last thing before I do introduce
21 either Daryl or Jim to provide you the information on
22 the budget -- and I'm kind of excited to present this
23 also. It's a customer service survey evaluation for
24 May 2009. Again for the benefit of the new
25 Commissioner, I will read what the five categories are

1 and the type of service that we provide, and we have
2 kind of an adversarial type of situation where you
3 have a complainant and a respondent, I think this is a
4 very good response that we're getting. And this was
5 from May 2009, which again we got 68.89 percent
6 strongly and agree responses for our staff. And I
7 think our staff needs to be commended for that for the
8 service that they do provide to the people of Texas.

9 So at this point in time, unless you
10 have any questions for me over anything that I
11 presented so far, I will go ahead and introduce Daryl,
12 and he will provide you the information on TWC CRD
13 budget.

14 CHAIRMAN ANDERSON: Commissioners, do
15 you have any questions for Mr. Gomez?

16 COMM. JAMES: Tony?

17 CHAIRMAN ANDERSON: Tony?

18 COMM. JAMES: Mr. Gomez, do you have
19 copies of the survey results?

20 MR. GOMEZ: Yes, I do.

21 COMM. JAMES: Could you provide us
22 with --

23 MR. GOMEZ: Yes. What I can do is I can
24 go ahead and provide you this, and I can send it to
25 you electronically if you -- Becky will do that.

1 CHAIRMAN ANDERSON: Just a minute,
2 Daryl.

3 Commissioner Morris has arrived. So
4 we'll allow him to introduce himself in a minute.
5 Let's go ahead and proceed with the financial report
6 and then we'll allow Mr -- Commissioner Morris to get
7 himself situated a little bit.

8 AGENDA ITEM NO. 4

9 MR. STEGLICH: Good morning, Chairman
10 Anderson, Commissioners. For the record, my name is
11 Daryl Steglich. I'm with Texas Workforce Commission
12 finance division, and I'll be presenting some
13 financial information related to case closures and
14 expenditures.

15 I'll start off with case closures. For
16 employment cases, our budget for the year -- or
17 estimated revenue was for 1120 cases. The third
18 quarter budget amount that we would expect to then
19 close is 840, and we closed 849 cases in the
20 employment area.

21 For housing, out of the 380 cases we
22 assumed for revenue purposes, we would have expected
23 to close 285 cases. To date through the end of the
24 quarter, we closed 258 cases. That's 27 cases below
25 the total necessary. In order to get to the 380

1 cases, the division will need to close an average of
2 41 cases for the months of June, July and August to
3 cover those -- to cover that revenue generation.

4 CHAIRMAN ANDERSON: Are you on track to
5 do it in July? What's the -- this is through May?

6 MR. STEGLICH: This is through May,
7 yes, sir.

8 CHAIRMAN ANDERSON: Did we do that in
9 June.

10 MR. STEGLICH: I don't have -- Robert,
11 do you have the June numbers?

12 MR. GOMEZ: Yes. In June we closed 39
13 housing cases. We are at 297 total for the fiscal
14 year.

15 CHAIRMAN ANDERSON: All right. Thank
16 you.

17 MR. STEGLICH: For the next slide I'll
18 talk about the revenue generation from those cases,
19 based on the information that we have, there's a lot
20 of information on here. For reference -- for
21 reference what I'm going to talk about are going to be
22 the \$2.7 million, which is the budgeted number. It's
23 in the green in the middle of the left-hand side.
24 That's the estimated total amount of revenue that we
25 were going -- we assumed we were going to have for the

1 year.

2 The projected amount based on current
3 case closures and just carrying that on out through
4 the year doesn't include the additional ones -- what's
5 been done in June -- we'll end up with about \$2.6
6 million, which is about \$80,000 below the total amount
7 of revenue generation.

8 Now, having said that, our projected
9 expenditures are pretty close to the amount of revenue
10 we expect to bring in for the year when we do a
11 projection. Now, that can fluctuate a little bit as
12 time goes by, but from a practical standpoint on the
13 revenue generation we'll be fairly close to the end of
14 the year.

15 Any questions?

16 CHAIRMAN ANDERSON: It's a wash?

17 MR. STEGLICH: It will be very close,
18 yes, sir.

19 Do you have questions?

20 CHAIRMAN ANDERSON: Commissioners?

21 Okay.

22 MR. STEGLICH: The next slide is an
23 expenditure by comparison category for 2007, '08 and
24 '09. Again we have budgeted numbers for 2009 and
25 expended numbers. For the salaries we're slightly

1 above -- slightly above the budget planned amount.
2 The average -- we're averaging 35 -- the average FTEs
3 to this point is 35 for the year. That's a little bit
4 above where we would expect it to be. However, for --
5 under operating we are slightly below where we
6 expected to be for the year. And travel, though we
7 show a little bit lower than what the budget is for
8 this particular portion of the year, there is some
9 outstanding travel related to the training that's
10 going to come in. So that's a timing issue. We
11 expect to be fairly close to that number by the end of
12 the year.

13 CHAIRMAN ANDERSON: I know no grants
14 have been awarded so far this year or other years --
15 there's no grants on the horizon are there? There's
16 no grants on the horizon or anything --

17 MR. GOMEZ: On the horizon we have --
18 we're awaiting the indication from HUD to send out the
19 information on the NOFA which stands for Notice of
20 Funds Available from HUD. So we're waiting for that
21 to come out, I believe within the next month or so.
22 They usually come out around August and September. So
23 we're waiting for that. And I believe David will give
24 a presentation on special projects and he'll touch on
25 that also.

1 MR. STEGLICH: Any other questions that
2 I can answer for you at this time?

3 CHAIRMAN ANDERSON: And the budget for
4 next year is about the same as it is this year since
5 the general revenue hasn't gone up, I assume?

6 MR. STEGLICH: That is correct. General
7 revenue has not changed in the last session.
8 Depending on the number of case closures -- assuming
9 we do the same number of case closures, we'll end up
10 with about the same amount of revenue for next year,
11 yes, sir.

12 CHAIRMAN ANDERSON: The increase that
13 the employees will be getting as far as -- where is
14 that going to be shown? Is that going to be in next
15 year's budget?

16 MR. STEGLICH: That will come out of
17 this year's.

18 CHAIRMAN ANDERSON: This year.

19 MR. STEGLICH: It will be paid -- my
20 understanding is it will be paid in August -- as
21 August payroll.

22 CHAIRMAN ANDERSON: But there will be no
23 general increase in the next year -- well, I take that
24 back. Was there anything approved or appropriated for
25 2010 for employees? And is that reflected in the

1 budget anywhere?

2 MR. STEGLICH: The 2010 -- it's my
3 understanding there is no mandatory increase as far as
4 legislative increases for salaries.

5 CHAIRMAN ANDERSON: So as long as we hit
6 the case closures --

7 MR. STEGLICH: Yes, sir, you're correct.
8 We get the case closures, then we should be just fine.

9 CHAIRMAN ANDERSON: Okay.
10 Commissioners?

11 Okay.

12 MR. STEGLICH: Thank you.

13 CHAIRMAN ANDERSON: Thank you.

14 MR. GOMEZ: Thank you. One more thing
15 before I introduce Alice. She'll be doing both
16 reports for employment and housing. Since she's
17 leaving, we really want to put her to work before she
18 left. So she'll be doing both the employment and
19 housing report.

20 Anyway, I just wanted to share with you,
21 Commissioners, that I will be sending out the Civil
22 Rights Division monthly performance measures report.
23 We're just waiting for the figures from budget. We
24 got them yesterday or the day before yesterday, Becky
25 did. So we were able to establish what the average

1 cost per employment and housing complaint resolved is.
2 And when you do get it, we'll put a little note on
3 there on the e-mail saying that we have met or
4 exceeded all our target measures again. I think this
5 is the third month in a row, so I will be sending that
6 out probably this afternoon.

7 CHAIRMAN ANDERSON: And we've had this
8 discussion before. There's the target measures and
9 then where we are in relationship to the real world.
10 And so you're to be congratulated on hitting the mark,
11 but is that in fact -- are we below -- is our
12 cost-per-case-closure greater than the budget?

13 MR. GOMEZ: Well, in that regards, as
14 you just heard Daryl present on the budget, we are on
15 target. That reflects directly on the target of
16 whether or not we are on target to meet budget and
17 that's one of the reasons that that targeted measure
18 is in there. So all indications are that we will hit
19 the target as long as we're within that variance. And
20 we expect to meet that target by the end of the fiscal
21 year.

22 CHAIRMAN ANDERSON: If we're 27 cases
23 below the goal in housing and that generates the most
24 revenue, how can we -- that doesn't seem to be
25 reconciled.

1 MR. GOMEZ: There's a tendency for
2 investigators to produce or try to -- if I can put it
3 in this way -- end the year on a high note. And so
4 they tend to close more cases towards the end of the
5 year, the fiscal year. And that's indicated already
6 by our numbers for the last two months.

7 CHAIRMAN ANDERSON: Okay. But we're
8 still going to be short of --

9 MR. GOMEZ: There's no telling whether
10 we're going to be short or not. The thing is that
11 what is positive and what is optimistic is that we're
12 on course to meet the target, which again translates
13 into whether or not we will meet the budget.

14 CHAIRMAN ANDERSON: Okay.

15 MR. GOMEZ: Okay. At this time, unless
16 you have any questions or comments --

17 COMM. JAMES: I'd like to cautiously
18 venture back down this road that we just started
19 discussing, because there seems to be some kind of
20 disconnect. And I think for the purposes certainly of
21 our new Commissioners maybe we want to drill down a
22 little bit -- a little bit deeper. Because on the one
23 hand I think we're hearing that we're doing pretty
24 good and we're headed in the right direction. On the
25 other hand we're also hearing concern about the

1 direction we're headed in. And so, again, for the
2 purposes of our new Commissioners, which is to suggest
3 that I got this all under control myself, which is not
4 true, maybe we go into a little bit more detail to
5 explain that. Because I do think that would be
6 helpful for everyone.

7 And good luck.

8 CHAIRMAN ANDERSON: Gene or Robert or
9 both of you together?

10 MR. CRUMP: Good morning, Commissioners.
11 For the record, Gene Crump, Deputy Executive Director,
12 Texas Workforce Commission.

13 Commissioners, we've had this discussion
14 many times before, but for the -- for the new
15 Commissioners let's kind of -- let's kind of step back
16 and look at CRD in total. On the revenue side they
17 receive general revenue appropriated by the
18 Legislature. It comes to TWC and is apportioned to
19 CRD. It's requested through the legislative
20 appropriations process. This past session that just
21 complete in May, those dollars are directed to CRD.
22 Additionally, CRD will generate revenue through
23 closing housing cases and closing EEO cases.

24 The challenge -- and that's the way we
25 like to talk about it -- that we always face is,

1 whether or not it's correct or not, it's a fact that
2 we live with. In many cases CRD operates on what I
3 call a piece-rate system. So the general revenue is
4 fixed. And as I have talked to many Commissioners in
5 the past concerning human rights, if we want to
6 increase that, that has to be a request from this
7 Commission to our Commissioners, and they either
8 redefine priorities within the TWC budget or request
9 additional money through the LAR process and then
10 that's approved by the Lege. That has not happened
11 since CRD has been a member of the Texas workforce
12 Commission. So in general that GR is fixed.

13 Having said that, we have made internal
14 budget modifications to increase general revenue to
15 the extent that we can at the staff level. I can't
16 make material changes without our Commissioners
17 directing that. General revenue within the larger
18 budget supports some of the premier programs of the
19 Texas Workforce Commission -- specifically skills
20 development, the apprenticeship program.

21 Additionally, the GR is used to draw
22 down federal dollars. Child care dollars, for
23 example, TANF -- and we talk about TANF MOE -- but
24 think of additional GR that draws down TANF dollars,
25 matches TANF dollars. Those are required, so we can't

1 move those dollars.

2 So GR for the Commission is precious, if
3 you will. So having set that stage, when we come down
4 to CRD -- when CRD came over and became part of TWC, a
5 lot of the general revenue that was in the
6 Commission's budget was taken away and not moved
7 forward to TWC. So we have worked very hard over the
8 last years to get the CRD budget to a manageable
9 level.

10 So now we're faced with what I call the
11 piece-rate system. We have a relatively fixed level
12 of general revenue. And so when I work with Robert
13 and Robert works with our budget office, we establish
14 going into the year case closure rates to support the
15 overall CRD budget at full employment. One of the
16 points that Chair Anderson just asked Robert about
17 was, well, how does things work when we're not going
18 to meet the piece-rate.

19 Robert has had -- within the staff has
20 had vacancies throughout the year. So much like we
21 operate on these are the cases that have to be closed
22 to meet a full budget, if you have vacancies, you have
23 salary lapse. We're not paying those expenditures.
24 So as Daryl talked about, we then look to August 31st,
25 are we going to be -- are we going to have enough

1 revenue from those three sources -- general revenue,
2 which is fixed, housing case -- housing closures and
3 EEO closures. And this year, as we have in the past,
4 we've been fine. There are things that we've been
5 able to accommodate over the last several years.
6 Specifically, the Commission asked that we provide
7 some additional enhancements within the work -- within
8 the environment, the operating environment that CRD
9 operates, additional cubicles, better cubicles, all
10 those things we've been able to provide, if you will,
11 outside the CRD budget. It's very tight. The state
12 legislature -- as y'all do -- expect us to operate on
13 a very tight and frugal budget as it were, as our
14 Commissioners expect us to operate. So it's very
15 difficult for us to hold investigators who are working
16 very hard on very, very hard cases to a level of case
17 closure rates -- maintain a high level of morale when
18 those people are doing very, very hard work, but they
19 still have to maintain -- they still have to do those
20 case closures. Otherwise, they're not generating
21 enough money, if you will, much like in a small
22 business, to pay the salaries. And I apologize for
23 that long kind of diatribe, but that's kind of the
24 history of how we are -- where we are today.

25 And then let me add one other thing. At

1 lot of times when Robert's talking about the budget --
2 and what we present here is the direct budget -- but
3 loaded into that are the indirect expenses. I'm a
4 leach. Part of what Robert collects has to go to pay
5 my salary. Our legal staff, our HR staff -- you saw
6 Ms. Thomas here today -- so all of those expenses fall
7 into that. So additionally we're very fortunate state
8 employees in today's environment. We operate under a
9 very fine benefit plan and a very fine medical plan.
10 That's about an additional 35 percent per individual.
11 So if someone's salary, let's say, is \$50,000, you're
12 adding another 15 to 16 to \$17,000 to that salary.

13 So it's a -- an interesting operation.
14 I think we work pretty closely together to make it
15 work. There's certainly a lot of tension there, but
16 that's what the Lege and the Commissioners require us
17 to do.

18 With that large overview, is there any
19 specific points from some of the most experienced
20 Commissioners that I missed and illuminate for the new
21 Commissioners?

22 COMM. DIGGS: Can I ask a question?

23 CHAIRMAN ANDERSON: Absolutely.

24 COMM. DIGGS: This is a really
25 fundamental question. I just want to make sure I get

1 my hands around it.

2 MR. CRUMP: Yes, ma'am.

3 COMM. DIGGS: What are the consequences
4 for not meeting the housing case requirement?

5 MR. CRUMP: The Chair actually kind of
6 pointed to the large picture. In terms of what we
7 have from the -- okay. We have what are known as the
8 Legislative Budget Board performance standards that we
9 put in the general appropriations act. If we don't
10 meet a case closure rate, we have to identify to the
11 Legislative Budget Board, who tell the legislators,
12 why we didn't meet a rate.

13 For example, it could have been we had
14 huge turnover and we didn't meet the rate. It could
15 have been that there were not enough cases generated,
16 that we didn't receive enough cases. There's very
17 real reasons for not doing that.

18 In those cases where there's not a valid
19 reason -- for example, we were slacking off -- and I
20 say "we" because I'm part of CRD -- then, you know,
21 the legislators will take issue with that, and they'll
22 point it out in a committee hearing.

23 On the reality side that Chair Anderson
24 was pointing out, it's a revenue generating. So
25 there's not a penalty, although legislators in the

1 past -- and not anything associated with CRD since
2 they've been a part of TWC -- but for other state
3 agencies, when you don't meet certain performance
4 measures, they certainly take you to task. They can
5 cut funding. That has not happened since CRD has been
6 part of TWC, but that would be the consequence on the
7 legislative side.

8 And in our -- as we're talking today,
9 it's a matter of funding our expenditures.

10 COMM. DIGGS: Okay.

11 CHAIRMAN HUDSON: Thank you, Gene.

12 MR. CRUMP: Yes, sir.

13 MR. GOMEZ: Thank you, Gene.

14 AGENDA ITEM NOS. 5 & 6

15 MR. GOMEZ: Okay. If there is no
16 additional questions, then I will introduce
17 short-timer Alice Mac Kenna so she can -- we can put
18 her to work and do both the employment and housing
19 reports.

20 MS. MAC KENNA: Good morning, Chair
21 Anderson, Commissioners, staff and guests. My name is
22 Alice Mac Kenna and I'm with the CRD. As you know,
23 I'm going to give both reports today, and I really
24 didn't do much with the employment report because
25 Becky gave it to me. I'm just going to read it

1 straight off.

2 The first slide, the CRD received 957
3 inquiries this year, which last year we received 781.
4 This is an increase of 18 percent. These inquiries,
5 together with charges taken over the phone, resulted
6 in 893 charges being filed through the first
7 three-quarters.

8 The ending inventory continues to be
9 more than 500 cases because receipts are increasing at
10 a slightly higher rate than our closures. Last year
11 this time, we had received 46 cases compared to the
12 893 this year, a 5 percent increase received.

13 CHAIRMAN ANDERSON: These are typical
14 when there's a downturn? I mean, you've been there
15 for a number of years, so isn't it typical during a
16 downturn that there are more cases -- employment cases
17 filed?

18 MS. MAC KENNA: Yes.

19 CHAIRMAN ANDERSON: The short answer is
20 yes.

21 (Laughter)

22 MS. MAC KENNA: The short answer is yes.

23 This next slide from our merit
24 resolution, those are in the category of no fault and
25 withdrawals with settlement have increased when

1 compared with what we saw last year at this time.
2 Last year our merit resolutions were 17 percent of the
3 overall closures, and this year we've seen an increase
4 to 21 percent, or a totaling -- we have seen an
5 increase of 21 percent, which is a total increase of 4
6 percent from last year. That increase is being in
7 Title VII -- a decrease in the Age Discrimination
8 Employment Act.

9 Are there any questions?

10 Employment cases closed by select
11 categories, the disability resolutions, as a
12 percentage, decreased from last year by 3 percent.
13 The increase was picked up in RH cases, and there was
14 no change in our Title VII percentages.

15 Any questions?

16 The age of our pending cases, last
17 quarter around this time, our aged cases were
18 19 percent of our pending inventory versus 11 percent
19 at the end of this quarter. That is an 8 percent
20 decrease in aged cases over the last year at this
21 time.

22 How does this compare nationwide with
23 the EEOC and the other people -- the fair employment
24 practices agencies. Based on the EEOC 2009 reports,
25 FEPA 2008 percent of cases 360 days pending was

1 34 percent. The EEOC percentage was 21 percent. And
2 TWC CRD percentage is 3.4 percent. Any questions?

3 CHAIRMAN ANDERSON: That's very good.
4 What -- what -- the cases are going up, we're not
5 adding any new investigators, so they're just closing
6 more cases? Because the aging of the cases are
7 still -- I mean the percentage is still very good,
8 particularly the over 365.

9 MR. GOMEZ: Well, on the first comment,
10 "We're not adding any more investigators," and if we
11 did have a vacancy in an investigator position, we
12 would probably add a housing investigator. As you
13 pointed out, there are trends that follow the economic
14 situation for the nation, and therefore right now
15 we're trending up because of the unemployment
16 situation. Last recourse when individuals get
17 terminated or are laid off or what have you, or have
18 issues in the workplace, they look to us for possibly
19 an allegation of discrimination basing their
20 termination or layoff or what have you. So we are
21 trending up. It's kind of reflecting, like I said,
22 the economic situation.

23 I think with the staff that we have,
24 their performance standards currently are set at 11
25 closures per month, which is, as Gene kind of alluded

1 to, that that is a high number for our investigators
2 to be closing. So definitely we don't expect to
3 increase their performance standard in closing cases,
4 but with the staff that we have, the inventory that
5 fluctuates, we do expect to handle that -- the
6 inventory that we currently have and the projected
7 inventory.

8 CHAIRMAN ANDERSON: I think that the --
9 certainly the fact that closures are a significant
10 number, but we're doing TWC CRD is doing a great job
11 of cases over 300 days keeping those numbers down. So
12 if we lowered that number of closures, then that would
13 probably adversely affect, I would assume, those case
14 closures over 300 days, which are the ones, you know,
15 we really focus on to make sure we don't have a lot of
16 those in that category. Is that correct?

17 MR. GOMEZ: Yes, sir. And, you know,
18 what you have pointed out is exactly right. Because,
19 you know, five years ago when I took over this
20 division, we had numerous cases that were over 500,
21 600 days old and the percentage, of course, was much
22 higher for cases that were still in that inventory
23 that were over 350 days old.

24 So our staff has worked diligently to
25 bring that number down and so has our management

1 staff.

2 CHAIRMAN ANDERSON: So management and
3 employees --

4 MR. GOMEZ: Yes, sir.

5 CHAIRMAN ANDERSON: -- focus on those
6 over 300 -- or getting close to 300 days and over?

7 MR. GOMEZ: Yes, sir. What the managers
8 and supervisors do is they do a spot check on
9 inventory. They concentrate on those cases that are
10 over 300 days old. Also the -- my executive assistant
11 Becky also has developed a report that indicates cases
12 that are over 300 days old and we specifically address
13 those with each individual investigator.

14 CHAIRMAN ANDERSON: Okay.

15 MS. MAC KENNA: If there are no other
16 questions, I'm going to go on to the housing report.
17 And slide number one is the housing case inventory.
18 And as of the end of the third quarter there has been
19 194 cases referred to us from HUD. And we have closed
20 258 cases, leaving us with an open inventory of 125.
21 As you can see, our inventory has slowly been
22 decreasing over the last three months; however, I'm
23 now seeing trends up, so we're increasing our
24 inventory again.

25 CHAIRMAN ANDERSON: Now, you've closed

1 so far 258 cases this year?

2 MS. MAC KENNA: Yes, sir.

3 CHAIRMAN ANDERSON: Which is 29 cases
4 more than we closed all of last fiscal year. Right?

5 MS. MAC KENNA: Yes, sir.

6 CHAIRMAN ANDERSON: That's good.

7 MR. GOMEZ: And then again, just to
8 update, that number of the report for the year as of
9 the end of June, we have closed 297.

10 CHAIRMAN ANDERSON: Housing?

11 MR. GOMEZ: Housing cases, yes, sir.

12 CHAIRMAN ANDERSON: With two months
13 remaining in this fiscal year.

14 MS. MAC KENNA: Okay. This next slide
15 reflects the kind of case closures. And we can see we
16 close the majority of our cases after a complete and
17 full investigation; however, as you can see, our
18 closures with the -- our closure that have been closed
19 with conciliation or settlement has been steadily
20 increasing. In FY 2007, 4 percent were closed either
21 with conciliation agreement or a withdrawal of the
22 settlement. In FY '08 this increased to 28 percent.
23 And to date FY '09 is at 41 percent.

24 Slide No. 3, the age of our pending
25 housing cases, this slide shows the age of our pending

1 inventory. And as you can see we began this FY with
2 103 aged cases. At the end of the third quarter, this
3 number has been reduced to 64. And before I came to
4 the meeting today, I checked and it's now at 48 and
5 it's continuing to decline. There is a correlation
6 between the reduction of our aged cases and our new
7 housing investigators concluding their six months
8 learning curve. The six-month learning curve for the
9 majority of our new investigators ended in March of
10 '09.

11 Are there any questions?

12 What I'd like to do is to go on and tell
13 you what has been happening in housing as I usually
14 do. But I would like to make one comment, and this is
15 a response to a comment made by Ms. Morrison earlier.
16 The case that she referred to that was sent back to
17 HUD, we were requested that we send that case back
18 because HUD had received an OIG complaint against HUD
19 from one of the parties involved in that
20 investigation. We had to send it back, but we got
21 full payment for the case and the investigation.

22 CHAIRMAN ANDERSON: Well, sometimes
23 people don't have all the information and they make
24 allegations that are simply that, allegations.

25 MS. MAC KENNA: What has been happening

1 in housing and what is to come? It is -- we received
2 training from HUD personnel. Mr. Thurman Miles gave
3 us one-and-a-half days of training in March of '09.
4 The training covered how to conduct a fair housing
5 investigation. And this training was really
6 beneficial for our new investigators. It was a good
7 refresher for our more experienced investigators.

8 On June 4th we had our conference call
9 with HUD and FHAP -- that's the Fair Housing
10 Assistance Program Agency, which we are one of in our
11 district. Our district is a five-state district. On
12 June the 9th we participated in conference call
13 training on intake with HUD personnel. This was the
14 first of several trainings that will be given on this
15 subject. The training we attended focused on
16 identifying respondents.

17 On June 19th, '09 we attended training
18 in Fort Worth that was conducted by the National Fair
19 Housing Alliance. The training was on testing and how
20 to use testing material in a fair housing
21 investigation. The National Fair Housing Alliance is,
22 for want of a better description, the parent company
23 of all of the fair housing initiative program agencies
24 that we partner with, and they answer to the NFHA.

25 As I mentioned during the enforcement

1 report, a substantial number of our complaints at the
2 end result in conciliation agreements. And many of
3 these agreements are required for respondents to
4 receive the fair housing training. And this training
5 is being given by Mr. Tony Robertson and his staff.
6 And we have training for housing that has been
7 approved by HUD.

8 On July the 24th we will be in the
9 Valley participating in a fair housing conference
10 sponsored by the Fair Housing Council of Greater
11 San Antonio. And Vicki Covington and myself, together
12 with personnel from HUD will be giving presentations
13 on Housing For Older Persons Act and the trends with
14 disability complaints.

15 Finally, I would like to take this
16 opportunity to say goodbye as this will be my last
17 Commission meeting. I will be retiring on August the
18 31st after 20 (sic) years with CRD and TCHR. I have
19 enjoyed my time with the division, have learned much,
20 grown a lot, and truly will miss my colleagues. I
21 thank you for the opportunity to work with you, and I
22 apologize if I'm -- I'm an emotional wreck right now.

23 CHAIRMAN ANDERSON: No need to
24 apologize. And once again, on behalf of the
25 Commission -- who can certainly speak for

1 themselves -- you've been a real shining light in --
2 as a manager and as an employee and providing guidance
3 and leadership in the TWC CRD, and we wish you well on
4 your retirement.

5 MS. MAC KENNA: Thank you. If there are
6 not other questions, I'll hand it over to Tony
7 Robertson.

8 CHAIRMAN ANDERSON: Thank you.

9 MR. GOMEZ: Thank you very much, Alice.

10 COMM. JAMES: Mr. Chairman, if I might,
11 let me just add something. In my short time on the
12 Commission, there was one thing that has remained
13 incredibly consistent -- actually two things --
14 Ms. Morrison who speaks regularly, and then the staff
15 who speak regularly. And I think what I find just
16 incredibly -- just refreshing is that I've seen
17 nothing that Ms. Morrison says come true in what our
18 staff does and how they perform. I mean, it's just
19 night and day. What she says doesn't -- the actions
20 don't reflect that.

21 So I certainly want to congratulate you
22 and say do things -- do great things while you are in
23 retirement, and we'll be sloughing around here, doing
24 what we do while you're enjoying the sun. But
25 certainly to you and to the rest of the staff,

1 although we do have to pay attention to folks like
2 Ms. Morrison, I personally have seen nothing that she
3 says as true with our staff. Y'all are just
4 incredible. So thank y'all very much.

5 MR. GOMEZ: Appreciate that remark
6 Commissioner James.

7 CHAIRMAN ANDERSON: Great comments and a
8 great observation, and I appreciate the Commissioner
9 for being eloquent in that regard.

10 Mr. Robertson?

11 AGENDA ITEM NO. 7

12 MR. ROBERTSON: Thank you,
13 Commissioners. Good morning, Commissioners. For the
14 record, Tony Robertson Team 3 manager, and welcome to
15 our new Commissioners as well.

16 I'm going to take brief moment of your
17 time just to go over certain slides and then open it
18 up for questions if you-all have any in reference to
19 what my particular section does. You've been
20 identified or you've been informed about the
21 employment side and the housing side. Well, I'm that
22 other side also that brings in revenue dealing with
23 the training, monitoring and ADR folks and the special
24 projects that we deal with for the state of Texas as
25 well under CRD.

1 If you look at the first slide it deals
2 with the alternative dispute resolution portion of the
3 folks that I supervise. I have three mediators who
4 are the -- I'm the firewall for the employment side of
5 the house when it comes to dealing with settlement
6 agreements and conducting mediations from the
7 complaints.

8 One of the key things on this slide that
9 I just want to make sure that you-all are attentive to
10 is the case closures. The mediators are tasked to
11 close five mediation cases a month. I have three
12 mediators, so that's 15 a month. They have exceeded
13 that standard well beyond our expectations and
14 continue to do so. And publicly I want to let them
15 know that we appreciate the hard work that they do and
16 the skill sets that they bring to the table in helping
17 the people of Texas understand the tremendous savings
18 that we do when we settle these complaints of
19 discrimination in our process, which is our first step
20 of the process when an individual files a complaint.
21 So kudos to them.

22 Also I want to let you know with that
23 savings we, to date, have dealt with a little bit over
24 \$1.2 million in settlement agreements, which is a
25 tremendous savings to the people of Texas and our

1 stakeholders as well.

2 CHAIRMAN ANDERSON: What's the case --
3 cases closed through June, Robert?

4 MR. GOMEZ: Your report again that I'm
5 going to send this afternoon, if you look at the
6 bottom on the management performance measures, their
7 target that we have set as far as management and for
8 the division is 108. They've just taken it off the
9 map and closed through the end of June 221. So they
10 have achieved 122.78 percent.

11 Again, Tony alluded to the fact of the
12 monetary settlement. The exact amount that I have for
13 June, again which will be in the report you'll receive
14 this afternoon, is \$1,289,975, which is the settlement
15 amount that they have generated.

16 And as Tony pointed out, this is a cost
17 savings. We see this as a cost savings for not only
18 the complainant and the respondent, but also for the
19 people of the state of Texas. Because any time you
20 get a settlement -- settlement agreement in a
21 mediation process, then that -- that is the first step
22 in when we take an intake, then the case goes to
23 mediation, they get 45 days in which to bring the
24 individuals to the table and attempt to get a
25 settlement agreement. And this is how -- it's shown

1 as a savings to us because it doesn't have to go
2 through our investigative process and tie up our Staff
3 with that particular case.

4 On the complainant side, usually the
5 complainant just wants some closure to the situation.
6 They want some give and take and satisfaction out of
7 what -- the allegation they have made. On the
8 respondent's side, the same thing. If it goes through
9 the investigative process, usually there is a
10 disruption of the employment environment, additional
11 information from the respondent that is requested. So
12 there you see the savings, not only monetarily but
13 also procedurally, and also the impacts -- negative
14 impacts that it has both on the complainant and the
15 respondent.

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

17 Next slide, please.

18 This slide depicts the EEO compliance
19 training numbers for our four-hour workshops
20 conducted. Just real briefly in my particular section
21 we have created what we call two-, four- and
22 eight-hour trainings. The four- and eight-hour
23 trainings are basically our compliance by statute and
24 by the workforce rules that we deal with as well when
25 it comes to mandatory training and EEO compliance

1 straining. If you look at that requested by agencies
2 and institutions, our year-to-date has been 18. For
3 the third quarter we have a total of seven of those.
4 Requested by private employers, year to date is five
5 and then for that third quarter we had two requests.

6 And then trainings per Section 21.556,
7 which I won't elaborate on because I looked at the
8 agenda today and you-all will be going through some
9 training that will better help you understand what it
10 is my particular section does and how that statute and
11 the TWC rules apply to the enforcement piece that I do
12 in my particular section. But if you look at that for
13 the third quarter there was a total of six out of that
14 seven in the third quarter.

15 Next slide.

16 This slide deals with our EEO and
17 housing presentations. Oftentimes -- we are often
18 requested, either myself, Mr. Gomez or even our other
19 managers, and my staff are requested to conduct
20 presentations. And we have -- we take that honor with
21 great pride and hopefully we provide a lot of good
22 information to the public, which I feel we do provide
23 that good information, which is helping them better
24 educate them and better understand how we do business.

25 If you look at those two particular

1 ones, the number of EEO presentations conducted for
2 the third quarter, pending was two, as well as the
3 number of housing presentations conducted was two as
4 well.

5 Are there any questions?

6 Thank you. Next slide.

7 This particular measure here or this
8 particular slide deals with a performance measure that
9 I am held to a standard on, which is individuals at
10 events. And what this is basically saying is that
11 this is the total number of individuals that my
12 particular staff has trained in EEO trainings based
13 off compliance and based off of statute or based off
14 of mandatory situations, as well as any requested EEO
15 trainings as well. And this is an LBB measure that I
16 have to report to Mr. Gomez to show further the
17 existence of why we're here and what we do and how we
18 do it.

19 If you look at that slide, individuals
20 at EEO trainings for the third quarter was 170. Our
21 year to date is 566. Individuals at EEO presentations
22 was 500, with a year to date of 2,707 individuals.
23 And then individuals at housing presentations was two,
24 with a year to date, excuse me, of 54.

25 Are there any questions?

1 Thank you. Next slide, please.

2 MR. GOMEZ: This number again, just to
3 elaborate on this number, this number again at the end
4 of June is 672, which renders a 96 percent of the LBB
5 target.

6 MR. ROBERTSON: And just so you know, my
7 LBB target is 700. I have to have 700 trained by this
8 fiscal year, and we definitely will meet and exceed
9 that number.

10 Personnel policies and procedures
11 systems review, this is also a statute-driven task
12 that is given to me to make sure that we accomplish on
13 a six-year rotating basis with all state agencies and
14 institutions of higher ed. And what we're dealing
15 with right now, this particular fiscal year, we had a
16 total of 30 policy reviews to complete. And if you
17 look at the slide or look at your -- at the briefing
18 there, you'll show a year to date of 27 that have been
19 completed or conducted.

20 We also certify them by the statute, and
21 to date we've certified 26 agencies or institutions of
22 higher ed. And out of that non-certification -- they
23 all get certified. They all get certified.

24 CHAIRMAN ANDERSON: What is the
25 difference between July 27th and 26th and not one --

1 should be one not certified.

2 MR. ROBERTSON: Well, the big
3 difference -- and thank you, Chair Anderson. What
4 happens is we also allow them technical assistance to
5 get that information back to us. And also keep in
6 mind that I just hired a new policy reviewer as well
7 and trainer. So my -- the reviewer that is out there
8 conducting had to pick up the slack of those other
9 reviews. So it's just a matter of time of him getting
10 those turned in. Now, it has since been turned in and
11 we're good to go. That's in a report that Mr. Gomez
12 will provide for you for our June numbers. But that
13 is the reason why.

14 CHAIRMAN ANDERSON: And we've got them
15 spread out through the year so they're not back-end
16 loaded like they were in the past and we've got them
17 spread out. So the first quarter of next year you'll
18 be hitting the ground running?

19 MR. ROBERTSON: Absolutely. For the
20 last two fiscal years they've been spread out per
21 quarter eight, eight, eight and six.

22 Good question. This fiscal year, FY
23 '010 we're going to eight, eight, six and six. Our
24 numbers will drop this year because we will be dealing
25 with 27 agencies coming into FY '010.

1 MR. GOMEZ: For the benefit of the new
2 commissioners, Commissioner Morris and Commissioner
3 Diggs, the review is -- the policy reviews are
4 conducted of all state agencies and state
5 universities, which we have, like Tony mentioned, on a
6 five-year calendar cycle.

7 They do take a process. It's a process
8 in which we provide notice to that agency or
9 institution. And then they have the -- we request
10 certain information that we desk review. So we
11 provide them notice. We provide them some time for
12 them to provide us that information as we are
13 requesting. We do a desk review. We also, at the
14 same time, notify them that we're going to be on-site
15 for one or two days -- and usually one or two days?

16 MR. ROBERTSON: That's correct.

17 MR. GOMEZ: -- it takes to be on site
18 and that we're going to desk review and then have an
19 entrance conference on those days that we're going to
20 provide the on-site. We do an on-site review of their
21 policies and procedures in HR.

22 After we get through with that
23 information, we, of course, have an exit conference at
24 that point in time, bring back that information,
25 develop the program. If we find any deficiencies or

1 things that need to be addressed, then we allow an
2 opportunity to take corrective action or provide, like
3 Tony stated, technical assistance.

4 So all this is a process which does take
5 time. And, Tony, you would know better than myself,
6 but I think it's a process of about -- maybe two
7 months?

8 MR. ROBERTSON: Yes, sir. That's
9 correct.

10 MR. GOMEZ: About two and two-and-a-half
11 months. So by the time you have these scheduled
12 throughout the year -- and as Chair Anderson
13 indicated -- before we started scheduling from the
14 beginning of the fiscal year. So the first two
15 quarters we would have several of these conducted or
16 initiated, but we didn't have them certified. And
17 therefore, again, for the benefit of the new
18 Commissioners, on the report that I will send out this
19 afternoon, I do have those two numbers. We have the
20 actual LBB performance target measure, which includes
21 the reviews that we have conducted and completed. On
22 the bottom I also have the number of on-site personnel
23 policy reviews that have been initiated, conducted and
24 pending completion. And usually that number is a
25 little bit larger than the actual completion number.

1 But I am happy to say that for June,
2 again, the target was 8.33 percent -- 83.33 percent as
3 far as personnel policies reviews conducted and
4 completed, we have completed 26 of the 28. Therefore
5 we have completed 92.86 percent. And that again is on
6 the -- it's on the report that you will receive this
7 afternoon.

8 CHAIRMAN ANDERSON: Okay.

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

10 Before I get to this last slide, let me
11 just back up real quick and indicate in reference to
12 the importance and my role at CRD also. I also have
13 revenue generated. So I have to provide a budget to
14 Mr. Gomez that we also meet with the finance on and go
15 from that point. The policy reviews are based on an
16 hourly rate, as well as our trainings are also based
17 on a per-person rate so to speak. So I do charge for
18 our EEO trainings, whether they're two, four or eight
19 hours. I do charge for our fair housing trainings,
20 whether they're two, four or eight hours. And I do
21 charge an hourly rate for all of our policy reviews.
22 The statute allows that to happen, and that's how it
23 is enforced.

24 So if you wanted to know how we all work
25 together, as Mr. Crump mentioned, on a piece-rate, we

1 all bring something to the table, which helps continue
2 to sustain us and keep us where we are today.

3 This last slide is the fire fighter
4 reviews. I was tasked back in 2001 to go ahead and
5 conduct what we call an initial firefighter entry
6 review, and it's a desk audit. And basically what my
7 staff does is we receive -- we conduct 60 firefighter
8 reviews a year on a five-year rotating basis as well.
9 And what we do with those reviews is we input data
10 requested from the firefighters to show if there's
11 been a disparate impact based on those hiring -- or
12 being hired taking the initial written firefighter
13 examine. It has nothing to do with the physical
14 agility tests or anything else like that. And let me
15 first say, we are not subject matters experts in
16 firefighting. So we're first to tell them, hey, we're
17 not here to shut you down, because we need you. But
18 we do look at these initial written tests and what is
19 the disparate impact on minorities and females. So
20 that's what the firefighter reviews are. And to date
21 we're at 46 reviews.

22 That concludes --

23 CHAIRMAN ANDERSON: Just as a matter of
24 explanation for the new Commissioners, this was set by
25 the Legislature several years ago, and I'm not sure

1 when it was initiated. Does anybody remember?

2 Probably before 2001, wasn't it?

3 MR. ROBERTSON: Well, no, sir, it was --
4 you're correct. It was 1999, but it was initiated in
5 the 2001 session.

6 CHAIRMAN ANDERSON: All right. And
7 there was no additional funding provided, so this
8 comes out of our GR because it is -- takes some time
9 to do a desk audit and desk review, but they've never
10 provided any funding for this.

11 MR. GOMEZ: No, and you're correct,
12 Chair Anderson. This is a freebie we provide to the
13 people of the state of Texas. I inherited that
14 function or that task that was assigned to us by the
15 Legislature. And at the time that I inherited it, if
16 I remember correctly, we were only doing about ten or
17 twelve reviews a year. This would take us umpteen
18 years to do all on a rotation basis. So one of the
19 first things that I tasked Tony that he mentioned, I
20 tasked him to put these on a similar rotation --
21 five-year rotation basis as we had the state
22 institutions and the institutions of higher learning
23 for the state of Texas. So he developed a five-year
24 rotation with 60 reviews being done per year. And
25 again this is a freebie that we provide to our

1 stakeholders in the state of Texas.

2 MR. ROBERTSON: Thank you. If there's
3 no further questions, I'd like to introduce also our
4 special projects portion of our section, and I would
5 like to introduce Mr. David Trinidad who will just
6 provide you some information. I am going to step away
7 and say it's a pleasure to meet you-all, our new
8 Commissioners. I have got to head to Temple with this
9 gentleman to -- we need to go up and conduct a
10 three-hour EEO training from a case that we've
11 settled. So I need to get on the road. It's a
12 pleasure meeting you-all and welcome.

13 CHAIRMAN ANDERSON: Thank you.

14 MR. TRINIDAD: For the record -- good
15 morning, Commissioners, and for the record my name is
16 David Trinidad. I am the outreach coordinator for the
17 Texas Workforce Commission Civil Rights Division.

18 Since our last Commissioner meeting, TWC
19 CRD outreach has been involved in the following: CRD
20 continues to wait to see if the DOJ grants on
21 Immigration and Nationality Act will be awarded to TWC
22 CRD. It is worth noting that this is a highly
23 competitive grant, and TWC CRD is currently attempting
24 to dethrone the reigning recipient of the past five
25 years, Catholic Charities Organization. That

1 notification letter should be out in early September.

2 As for the next item, CRD is still
3 waiting for HUD to announce their education and
4 outreach Super NOFA. Ms. DeeDee Webb with the TWC
5 grants -- is the TWC grants coordinator and monitors
6 the Internet for this particular announcement on a
7 daily basis. As of yet we still have not received
8 notification that they're going to display that grant.
9 I'm sure they are and it should be any time now. But
10 as of yet we have no other notice on that.

11 And the last item, CRD continues to
12 search and seek out new funding opportunities for
13 employment and for housing, the most recent being a
14 funding source through the Texas Department of Housing
15 and Community Affairs via their State of Texas
16 community block grant funds. These are monies that
17 are handed out through the federal government through
18 HUD.

19 The community service block grant
20 program enables eligible entities to provide services
21 to very low-income Texas residents in all 254
22 counties. These funds help provide services to
23 organizations serving Native Americans immigrant and
24 seasonal farmworkers, and for other innovative
25 projects. Eligible entities or communities service

1 block grant funds are designated by the Governor to
2 provide a broad range of services designed to
3 eliminate poverty and foster self-sufficiency. We are
4 hoping to provide what we consider an innovative fair
5 housing education project as a FEPA -- I'm sorry, as a
6 FAP. However, because of the funding distribution
7 source -- because the funding distribution source is a
8 state agency, and CRD is also a state agency, there
9 was some question as to whether or not the Texas
10 Department of Housing and Community Affairs would be
11 able to fund -- or offer funds to us without having
12 some questionable -- someone questioning that funding
13 process. Still though, CRD continues its efforts to
14 seek out additional funds through additional
15 resources.

16 Any questions?

17 CHAIRMAN ANDERSON: And you're
18 continuing to close the cases in addition to your
19 outreach. Right?

20 MR. TRINIDAD: Yes, sir. I continue to
21 close -- we had -- I don't know if you call it a
22 special project but a unique project handed to us
23 through HUD with these Craig's list cases. We had 16
24 of those cases. We've closed 10 cases as of today.
25 And as a caveat to that, those cases are all

1 involved -- all but one actually -- have involved fair
2 housing training that's been provided also. So that's
3 an additional revenue source coming in.

4 CHAIRMAN ANDERSON: Good. Good.

5 MR. GOMEZ: Again for the benefit of the
6 new Commissioners -- I think I went through this
7 before -- but David Trinidad is our outreach
8 coordinator/housing investigator. What happened is
9 that we had a special project, and initially the --
10 his predecessor when we hired her, she was hired on a
11 part time basis because we were working on special
12 projects. But then when we made her permanent
13 full-time, we also added the performance standard of
14 being a housing investigator. So when David applied
15 for this job, it was an outreach coordinator/housing
16 investigator. And therefore when we were approached
17 by HUD for this -- what we termed as a special project
18 for us in investigating the Craig's list cases, that
19 naturally fell upon to David to conduct those
20 investigations, along with the fact that kind of
21 there's a lull in the opportunities to apply for a
22 grant and obtain those additional fundings.

23 Also David sends out that monthly e-mail
24 that you are on the recipient list that kind of tells
25 you what we're doing and who we are and also gives you

1 a couple of interesting cases, one in the housing and
2 one in the employment areas. So that's something that
3 we send out to all our contacts out there that we have
4 made during these outreach events and special
5 projects. We have a list of contacts that David sends
6 out this e-mail to, and that kind of keeps us on their
7 mind and kind of generates some back and forth. I
8 know that with the meeting that I mentioned that we
9 had with the apartment -- Texas Apartment Association,
10 they brought that up, that they were grateful to be
11 receiving that e-mail with that information that we
12 provided them.

13 MR. TRINIDAD: If there's no further
14 questions, then I hand it over to Mr. Gomez.

15 MR. GOMEZ: Okay. I need to apologize
16 to one of my staff members. Real quickly, David
17 Pernell. He was here the last time that you-all met,
18 but he didn't have an opportunity to attend the
19 meeting. So, David, if you would stand up?

20 David Pernell is one of our housing
21 investigators that we hired with our last batch, and I
22 think he just finished with his learning curve and,
23 you know, he's been waiting here for me to introduce
24 him and I sincerely apologize, David --

25 MS. MAC KENNA: He's also presenting the

1 cost case.

2 MR. GOMEZ: And he's here also to
3 present a cost case to you-all in closed session.

4 CHAIRMAN ANDERSON: Let me -- one thing
5 that I didn't do and we -- well, I alluded to it, but
6 I didn't follow through, and that was to allow
7 Commissioner Travis Morris to introduce himself. A
8 lot of the audience has left, so he's got a smaller
9 group to introduce himself to. But, Commissioner, if
10 you could tell everybody your name and what your real
11 job is and anything else you'd like to share.

12 COMM. MORRIS: Good morning. My name is
13 Travis Morris. I'm originally from Nacogdoches, Texas
14 where I served one term as city councilman. And then
15 I relocated to Austin, Texas two years ago, and I am a
16 pastor here in the great city of Austin, Texas, and
17 I'm looking to working with the Commission board to be
18 able to make a difference concerning our constituents
19 and looking forward to working with the staff.

20 CHAIRMAN ANDERSON: Thank you,
21 Commissioner. Welcome.

22 MR. GOMEZ: At this point in time I have
23 no further information to present. And just, again, I
24 will send the performance measures report along with
25 the budget report that I usually send out there. And

1 if you have any questions at all -- one of the things
2 that -- one of the last things I want to say is to the
3 new Commissioners. I know that we had Commissioner
4 James and former Commissioner Khalifa spend a day with
5 the staff to learn what they did. I think,
6 Commissioner James, if I'm correct, you were in the
7 housing area or employment -- employment?

8 COMM. JAMES: I was in employment --

9 MR. GOMEZ: You were in employment and
10 Commissioner Khalifa was in the housing area. And
11 they spent quite a bit of time or a day just observing
12 and just being there with the housing and/or
13 employment investigator or staff. And so I encourage
14 you, Commissioner Morris, and also, Commissioner
15 Diggs, you're more than welcome to come by and spend a
16 day with us, maybe coordinate it with the next meeting
17 so you can see what we actually do on a day-to-day
18 basis, maybe, you know, sit down with the intake, sit
19 down with the mediators, touch bases with the trainer
20 reviewers and also with our investigators. I'm pretty
21 sure you'll find it very interesting. I know you will
22 get a lot more information than you do here in this,
23 you know, two- or three-hour session that we meet, and
24 I encourage you to do that -- Commissioner Stidvent,
25 also Commissioner Osterhout, if I haven't extended

1 that invitation before, that invitation extends to
2 both of you also. And then you can actually see what
3 we do on a day-to-day basis.

4 And with that I am done with my report.

5 AGENDA ITEM NOS. 8 & 9

6 CHAIRMAN ANDERSON: All right. A couple
7 more items, before we -- I'll ask Mr. Moore to come up
8 and talk about the training. I'm sure it won't be too
9 much, but he can address that. We do have a meeting
10 on October 14th, 2009. It's the last one scheduled
11 for this year. And then in the October meeting,
12 Becky, action item would be to determine the dates and
13 the times for the future meetings for 2010. Generally
14 it's been January, April, July and October. Obviously
15 this year we also had one in May. So we need to do --
16 determine that and we'll do that in October.

17 The other thing that I'd like to set up
18 is where each one of the Commissioner's --
19 unofficially anyway -- we've got responsibility over
20 everything the TWC CRD does. But it's an awful big
21 bite of the apple, and so what we've done in the past
22 is we've had the Commissioners kind of focus on one
23 or -- one area of particular interest. And since
24 we've got a full complement now, it would be primarily
25 maybe two people -- two Commissioners over the

1 responsibility over primarily housing, two over
2 employment, and two over training and ADR mediation.
3 So think about that. Let me know what your thoughts
4 are, where your particular interest is, and then we'll
5 discuss that at the next meeting in October, which
6 leads into training.

7 AGENDA ITEM NO. 10

8 MR. MOORE: Chairman, thank you. For
9 the record, my name is John Moore. I'm the director
10 of regulatory integrity for the Texas Workforce
11 Commission. My division supports TWC CRD in its
12 enforcement efforts. I was one of the people involved
13 in the transition of the former Commission on Human
14 Rights to the Texas Workforce Commission, and as such
15 I've been tasked with training Commissioners as they
16 come on board. And Commissioner Diggs and
17 Commissioner Morris, welcome. I'm sure you got my
18 e-mail, and I'm sure you've read everything that I
19 sent you. And really for today I was just going to be
20 available for questions. I think for the next meeting
21 we'll be prepared to present a more formal training to
22 you to allow you to further ask questions and get your
23 arms around all the statutes and rules and programs
24 that you oversee. As you can tell, it's a lot. So
25 today I'm just really available for any general

1 questions that you may have.

2 CHAIRMAN ANDERSON: The thing I guess
3 that -- the other thing is the open records and open
4 meetings, those are required training.

5 MR. MOORE: Those are required
6 trainings. Those are available -- if you haven't
7 already taken it -- on the Attorney General's web
8 site. Very easy to do. Very entertaining. And if
9 you haven't done it, I would encourage you to do it.

10 And for you Commissioners who have been
11 on for a while, I would encourage you to maybe take
12 another look at it.

13 CHAIRMAN ANDERSON: We will -- Becky and
14 John, we will probably be looking at extended session,
15 so make your travel plans accordingly that -- in order
16 to do the training, at least to cover some of the
17 particular areas it's taken a couple of hours. So we
18 need to look at an extended meeting in October. It's
19 a regular meeting plus the training.

20 There was a -- before we go into
21 executive session, there's a couple of items that we
22 discussed last time and just for the record Chair
23 Anderson requested that Mr. Gomez prepare a plan to --
24 the budgetary issues for the remainder of fiscal year
25 2009 and for fiscal year 2010. There's some

1 additional information on the -- that was requested,
2 but basically the information was sent by e-mail to
3 all Commissioners on April 23rd, 2009.

4 I don't know that the new Commissioners
5 have received that, but if they haven't, Becky, would
6 you go ahead and send them that information?

7 Have all the other Commissioners
8 received that e-mail?

9 Okay. Commissioner Stidvent urged CRD
10 and TWC staff to spend time to -- to spend time to get
11 the staff needed. I guess you meant to fill the
12 vacancies, basically, and that's done and you're at
13 full employment at the present time?

14 MR. GOMEZ: Yes, sir.

15 CHAIRMAN ANDERSON: John Moore noted
16 that he would prepare a more detailed training session
17 on administrative procedures and the ADA, and he's
18 submitted that information to all the Commissioners,
19 and in October we'll go into a little bit more detail.

20 Chair Anderson noted the Commission want
21 to see a continued downward trend in the age of
22 employment and housing cases, and we seem to be seeing
23 that. I think the issue is more specifically how do
24 we continue with that trend not only at the end of
25 this year but early part of next year so we're not

1 into a game of trying -- playing catch-up. They've
2 done a great job of getting us to where we are right
3 now, and we want that to continue.

4 From the action items on October 28th
5 Chair Anderson requested Becky send the HUD draft
6 proposal regarding payment plan and Mr. Crump's
7 spreadsheet form identifying the costs associated with
8 other operating costs as identified on the budgets by
9 all Commissioners, and that was done on April 16th,
10 2009.

11 And again, the two new Commissioners
12 haven't received that information, if you could send
13 that to them, Becky.

14 Did all the other Commissioners receive
15 that information on the budget, the HUD draft proposal
16 regarding the payment plan, and Mr. Crump's
17 spreadsheets?

18 Seeing no objection, I assume everybody
19 has that.

20 Now we're going to go into Executive
21 Session. Before we do that, is there any other
22 issues, questions, before we go into executive session
23 from any of the Commissioners?

24 We'll probably end up spending a little
25 bit of time in executive session.

1 AGENDA ITEM NO. 11

2 CHAIRMAN ANDERSON: Okay. The
3 Commission on Human Rights Executive Session
4 announcement, July 15th, 2009. We're now going into
5 Executive Session pursuant to Government Code Section
6 551.074(a)(1) to discuss the employment, evaluation,
7 reassignment of duties, accomplishments, performance
8 goals and responsibilities of the Texas Workforce
9 Commission's Civil Rights Division Director.

10 We're going into Executive Session
11 pursuant to Government Code Section 551.071(1) and (2
12 concerning contemplated litigation or pending
13 litigation of the following cases: Marilou Morrison
14 versus Texas Commission on Human Rights, John
15 Benavides, et al versus Texas Commission on Human
16 Rights; Margaret Brendlinger versus State of Texas;
17 and Webster Perkins v. Bullock Mobile Home Park.

18 And then the last item is Agenda 11.c.
19 where the Commissioners seek the advice of their
20 attorney as privileged communications under Texas
21 disciplinary rules of professional conduct and the
22 State Bar of Texas.

23 The Commission on Human Rights is now in
24 closed session on July 15th, 2009. Time is 10:43.

25 (Recess: 10:43 a.m. to 12:26 p.m.)

1 CHAIRMAN ANDERSON: The Texas Commission
2 on Human Rights is back in open session. The closed
3 session ended at 12:25 p.m, and it's 12:26. We're
4 back in open session. Do we have any action?

5 COMM. JAMES: Yes, sir, Mr. Chairman. I
6 move that the Commission authorize the TWC CRD
7 Division Director to refer the matter of Doris Bullock
8 to the Office of the Attorney General for possible
9 enforcement under Section 301.032 of the Texas
10 Property Code. Thank you.

11 CHAIRMAN ANDERSON: Do I have a second?

12 COMM. MICHALKA: Second.

13 CHAIRMAN ANDERSON: There is a second.
14 All in favor -- any discussion?

15 If not, all in favor say "aye".

16 (Those in favor so indicated)

17 CHAIRMAN ANDERSON: Opposed?

18 (No response)

19 CHAIRMAN ANDERSON: Motion carries.

20 COMM. JAMES: Mr. Chairman, I also move
21 that the upcoming expiration of the performance
22 improvement plan for Executive Director Robert Gomez
23 be delegated to the chairman -- to Chair Anderson to
24 either call the special meeting in August or handle
25 the review on an individual basis.

1 CHAIRMAN ANDERSON: Do I have a second?

2 COMM. MORRIS: Second.

3 CHAIRMAN ANDERSON: All in favor say
4 "aye".

5 (Those in favor so indicated)

6 CHAIRMAN ANDERSON: Opposed?

7 (No response)

8 COMM. MORRIS: And that motion carries.

9 Before we wrap up, we want to -- I want
10 to extend appreciation once again to Ms. Thomas for
11 her working with us for all these years since we
12 transitioned to TWC, and also Mr. Henry in his
13 capacity as a consultant. I also would like to remind
14 all the Commissioners to send me your interest, of
15 whether it's housing, employment or training and
16 compliance that you'd like to focus on during your
17 period as a Commissioner, noting again -- once again
18 that we are responsible for everything in both the
19 Property Code and the Labor Code concerning our areas
20 of responsibility.

21 So without any additional business --
22 seeing none, the meeting of the Commission on Human
23 Rights is adjourned.

24 (Proceedings concluded at 12:27 p.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, LOU RAY, 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 22nd day of July 2009.

LOU RAY
Certified Shorthand Reporter
CSR No. 1791-Expires 12/31/09

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