

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, JULY 16, 2008

BE IT REMEMBERED THAT at 9:05 a.m., on
Wednesday, the 16th day of July 2008, the above-
entitled matter came on for hearing at the Texas
Workforce Commission, TWC Building, 101 East 15th
Street, Room 244, Austin, Texas, before CHAIRMAN TOM
ANDERSON and the COMMISSIONERS of the Commission on
Human Rights, Texas Workforce commission - Civil
Rights Division; and the following proceedings were
reported by Aloma J. Kennedy, a Certified Shorthand
Reporter of:

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

2 WEDNESDAY, JULY 16, 2008

3 (9:05 a.m.)

4 AGENDA ITEM NOS. 1 AND 2

5 CHAIRMAN ANDERSON: It's 9:05. My name
6 is Tom Anderson. I'm the Chair of the Commission on
7 Human Rights. And I want to welcome everybody here --
8 staff, guests, Commissioners -- to the July 16th
9 meeting. We should be able to follow the agenda
10 today. I don't know that there is any reason to move
11 out of the agenda.

12 And I think the first thing we want to
13 go ahead and cover is any public comments. We do have
14 one submission, Marilou Morrison, Austin, Texas. You
15 have three minutes. Please confine your statements
16 and comments to the topics covered on the agenda.

17 Ms. Morrison.

18 COMMENTS BY MARILOU MORRISON

19 MS. MORRISON: Is the microphone on?

20 Please do not think that I have come
21 only to gloat, because all that I have tried to tell
22 this Commission for so long is coming to pass. Loss
23 of the HUD contract, the CRD's primary source of
24 funding, is now a foregone conclusion and will result
25 in the demise of the CRD in its present form.

1 The LBB cannot justify recommending
2 funding for an entity that loses its HUD contract due
3 to inability to perform minimally adequate housing
4 investigation and loses money on every EEOC case that
5 closes. The CRD's inability to recognize unlawful
6 discrimination and even one-tenth of one percent of
7 its housing and/or employment investigation is further
8 evidence that the CRD has been nothing but a drain on
9 the state's limited resources and has dismally failed
10 in its responsibility to the citizens of Texas.

11 Despite strong recommendations from
12 Sen. Barrientos and others, the CRD Chair refused to
13 recognize that without competent management, the CRD
14 was doomed to failure. Commissioners were
15 continuously fed half truths and facts buried in
16 questionable statistics provided in rehearsed mind-
17 numbing PowerPoint presentations.

18 Does the return of the consultant Bud
19 Henry mean that despite his best efforts with
20 management, they were unable to learn and benefit from
21 his expertise the first time around? According to the
22 recent audit by HUD, most CRD managers continue to be
23 unable to complete an acceptable housing
24 investigation. So it should come as no surprise that
25 they cannot train or assist investigators in analyzing

1 cases.

2 If managers who supposedly review and
3 approve investigative reports were competent, why are
4 the majority of HUD investigations returned for,
5 quote, technical assistance/rework? The employee
6 turnover continues to be beyond belief. I understand
7 that today is the last day for one investigator and
8 still another has given notice. Such a loss of
9 essential personnel is reported at almost every
10 Commission meeting.

11 By now it should be obvious that this
12 horrendous turnover rate is because incompetent
13 managers create, intentionally or otherwise, obstacles
14 to new investigators trying to learn how to
15 investigate cases. I was an investigator for 12 years
16 at what is now the CRD, and it was easiest job I ever
17 had. I know one tenured investigator at CRD who
18 successfully completes more investigations than almost
19 any of those that current managers have supposedly
20 trained, even though routinely she maintains a
21 negative leave balance. She could do it standing on
22 her head.

23 I cannot believe that so many people
24 hired in the last five years or so would have been
25 unable to learn to do an acceptable investigation if

1 they had benefit of competent management. Surely you
2 know what has to be done. Why did you hire a
3 consultant if you are unwilling to utilize his advice?

4 Politically appointed commissioners have
5 failed in their responsibility to provide oversight.

6 CHAIRMAN ANDERSON: Your three minutes
7 is up. Are you wrapping it up, please?

8 MS. MORRISON: Unless the Texas
9 Workforce Commission takes over, there is no chance.
10 Unfortunately, the TWC has demonstrated its disdain
11 for the concept of fair housing and employment rights
12 by continuing to employ a manager against whom five
13 EEOC cause cases have been returned.

14 Thank you.

15 CHAIRMAN ANDERSON: Thank you.

16 AGENDA ITEM NO. 3

17 CHAIRMAN ANDERSON: Robert, good
18 morning.

19 MR. GOMEZ: Good morning, Chair
20 Anderson, Commissioners James, Michalka and
21 Commissioner Wipf. My name, for the record, is Robert
22 Gomez, and I am the Director for the Civil Rights
23 Division. I would like to give you some highlights of
24 my activities since the last meeting, April 16, 2008.

25 I basically conducted meetings with the

1 Civil Rights Management Team in addressing issues for
2 the Civil Rights Division, conducted weekly telephonic
3 meetings with Chair Tom Anderson, attended team
4 meetings with TWCCRD staff. I attended weekly TWC
5 executive staff meetings and also bi-weekly TWC
6 Commission meetings, participated in the quarterly
7 performance briefing with the TWC Commissioners.

8 Also highlighted for this period in time
9 is the attendance and participation in a panel at the
10 fourth annual Border Fair Housing and Economic Justice
11 Center housing seminar in which the local entities
12 participated as well as HUD. And this was in
13 conjunction with April being Federal Fair Housing
14 Month.

15 I also attended and participated in the
16 Fair Housing Month luncheon sponsored by the Fair
17 Housing Council of Greater Houston in Houston, which
18 was very beneficial in getting the word out there as
19 to what TWCCRD does for the people of the State of
20 Texas and what we're geared to do for the people of
21 the State of Texas in the housing area as far as
22 housing discrimination.

23 And good morning, Commissioner Khalifa.

24 COMM. KHALIFA: Good morning.

25 MR. GOMEZ: I also participated in the

1 Civil Rights Division Enterprise Risk Management
2 Project conducted by the TWC Auditing Division, and
3 with the consultant, Bud Henry, on his follow-up and
4 close-out consultation visit with CRD. This was very
5 fruitful in that Mr. Henry looked at our activities
6 within CRD.

7 And the one remaining task or action
8 item is the Housing Manual which we have since
9 reformatted. He has received a final draft of that
10 manual, and we're in the process of receiving final
11 response from Mr. Henry in order to disseminate that
12 Housing Manual to our housing staff. And I'll give
13 you a bit more information on that when I present the
14 future goals for the Civil Rights Division.

15 I conducted expanded presence project
16 duties and outreach, networking and public service
17 announcements with the radio stations in Lubbock and
18 Amarillo for the Lubbock and Amarillo area. I also
19 participated in meetings with representatives of the
20 U.S. Department of Housing and Urban Development and
21 TWC and CRD staff concerning the Fair Housing
22 Assistance Program -- FHAP -- review.

23 I conducted public service announcements
24 for a radio station in San Antonio, Texas, where I am
25 going to in a little bit introduce to you our outreach

1 coordinator who will give you additional details and
2 information on our outreach activities and efforts and
3 also on our expanded presence project.

4 I attended the HUD Texas Fair Lending
5 forum in El Paso. This was very beneficial, with
6 information brought back for staff in the predatory
7 lending area, in our housing discrimination complaints
8 area, implemented the new Housing Investigations
9 Processing Basic Steps -- 75 days -- effective
10 June 18, 2008. What that simply means is, that's
11 going to be a part of our corrective action on the HUD
12 review, in that we have implemented the investigations
13 processing steps to include a new investigative plan
14 which was approved and sent down by HUD and also
15 assigning investigators to our ADR staff. We have
16 three staff with our mediation section. Part of the
17 plan is to assign investigators to our ADR staff to
18 facilitate in the conciliation process during the
19 investigative process.

20 This leads us into the integrated new
21 investigative plan into the housing investigative
22 process. As mentioned before, it's a plan that serves
23 as a roadmap for our housing investigators in the
24 housing investigative process, which includes a
25 conciliation process also.

1 Initiated the new ADR mediation
2 assignment to investigators, as mentioned before. The
3 investigators now will have access and will have that
4 resource of obtaining assistance from the ADR
5 mediators in our division for assistance in
6 conciliation attempts during the investigative
7 process.

8 And in your handout behind the Director
9 tab, you will find -- and I won't go through them --
10 the contacts that have been made again since the last
11 time we met, April 16th.

12 I do want to share with you some
13 exciting news in what the future goals are for the
14 Civil Rights Division. But at this point in time, as
15 stated before, I would like to present Mr. David
16 Trinidad, who is our Outreach Coordinator/Housing
17 Investigator, and he will give you additional details
18 and information on our outreach efforts and also
19 expanded presence project.

20 David.

21 MR. TRINIDAD: Thank you, Mr. Gomez.

22 Good morning, Commissioners. My name is
23 David Trinidad. I am the Outreach Coordinator and
24 Investigator for TWCCRD.

25 Give you an update on the outreach and

1 expanded presence program that we've been conducting.
2 I've attended a two-day Border Fair Housing and
3 Economic Summit in El Paso. We had a booth set up out
4 there. We handed out Employment and Housing
5 Discrimination pamphlets, brochures, discussed
6 employment and housing discrimination cases with
7 people, individuals, and we also participated in the
8 summit through a presentation.

9 While we were out there, we also
10 conducted a housing on-site investigation in the
11 El Paso area, and we went on to conduct four
12 additional on-site investigations in the Lubbock area,
13 two in the Midland area and one in Brownfield, which
14 is near the Lubbock area.

15 Additional outreach activities in the
16 Lubbock and Amarillo area. We include a seven-minute
17 prerecorded radio presentation with POWER 106FM. This
18 was a PSA that would run multiple times throughout one
19 week in May. The owner of that radio station also has
20 a TV program or TV show, actually, that he coordinates
21 on Sunday mornings and has expressed interest in
22 wanting to have TWCCRD as a guest to do a small
23 segment on this particular show as well. The date has
24 not been solidified at this time, but that is a
25 pending engagement.

1 In June, TWCCRD conducted its SuperNOFA
2 outreach. This particular outreach is going to target
3 the Midland/Odessa area in an effort to establish
4 leverage contacts with local businesses and groups.

5 We would like to invite Commissioner
6 James, should we get this SuperNOFA CRD. CRD would
7 greatly appreciate your participation during the
8 planned activities throughout that program year.

9 "The SuperNOFA outreach efforts yielded
10 four leveraging commitment letters from various
11 organizations in the Midland/Odessa area, to include
12 the use of office space, office equipment, staff, and
13 the opportunity to participate in and be a part of
14 planned events throughout the year.

15 "The following organizations have made
16 commitments to CRD for the SuperNOFA 2008, which is
17 the Permian Basin Workforce Development Board, the
18 Legal Aid of Northwest Texas, The Midland Hispanic
19 Chamber of Commerce, and the City of Odessa Housing
20 Authority have all made commitments to want to work
21 with us on this particular SuperNOFA grant.

22 "The grant application for the SuperNOFA
23 2008 has been submitted, and HUD has provided a
24 responsive confirmation that they have received it,
25 and that was conducted on July 7th.

1 Additional outreach efforts have
2 included the distribution of 300 housing and 300
3 employment brochures to three Workforce Development
4 Board areas.

5 Stephen Lynch, the local Tyler, Texas,
6 WorkSource Center Director; Mr. Willie Taylor, the
7 Permian Basin Workforce Development Board Executive
8 Director; and Mr. Chakib Chehadi of the Alamo
9 Workforce Development Board area -- he is an Executive
10 Director -- all have agreed to display our housing and
11 employment brochures in each of their one-stop and
12 satellite worksorce centers' locations.

13 The total of this particular project
14 will encompass 48 worksorce centers -- or actually
15 more than 48 worksorce centers -- in 43 counties
16 throughout Texas, to include Anderson, Camp, Cherokee,
17 Gregg, Harrison, Henderson, Marion, Panola, Rains,
18 Rusk, Smith, Upshur, Van Zandt, Wood, Andrews, Borden,
19 Crane, Dawson, Ector, Gaines, Glasscock, Howard,
20 Loving, Martin, Midland, Pecos, Reeves, Terrell,
21 Upton, Ward, Winkler, Atascosa, Bandera, Bexar, Comal,
22 Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr,
23 Medina, and Wilson Counties.

24 While we were conducting outreach
25 activities in the San Antonio area, CRD was invited to

1 participate in a 30-minute radio presentation,
2 prerecorded radio presentation with Cox Radio,
3 Incorporated. The host of the PSA local San Antonio
4 radio station personality, Karen Clauss, directed the
5 informational PSA and was impressed with the
6 information to the point that CRD has been invited to
7 return as a guest to do another PSA at a later date,
8 and that date should be August 27th. At least that's
9 the tentative scheduled date for this particular PSA.

10 "The PSA centered around employment and
11 housing discrimination, how to recognize such
12 discrimination and how to prevent claims being filed
13 and also how to file claims when one believes an act
14 of discrimination has occurred.

15 Cox Radio is a large radio outlet owning
16 radio stations in numerous markets throughout the
17 United States. In San Antonio, Cox Radio,
18 Incorporated owns and operates six local radio
19 stations.

20 CRD was informed that the radio PSA
21 would air multiple times throughout the month of July
22 and would air on all six stations, thus ensuring that
23 CRD outreach a diverse listening audience.

24 "The six radio stations to air the PSA
25 will be Y100, which is country; 99.5 KISS, which is

1 rock; KONO 101.1, which is oldies; Power 106.7, which
2 is hip-hop; KKYX 680 AM, which is classic county; and
3 Magic 105 FM, which is music from the eighties,
4 nineties and today.

5 CRD will have an informational booth set
6 up at the 33rd Annual TAMACC convention being held in
7 Austin Texas, later this month.

8 And also an upcoming event is, CRD will
9 provide training and be a guest speaker at the annual
10 Agricultural Business Summit to be held in Edinburg
11 later in August.

12 Any questions?

13 CHAIRMAN ANDERSON: Yes. When is the
14 SuperNOFA -- when will you get notification on the
15 SuperNOFA?

16 MR. TRINIDAD: The SuperNOFA grant will
17 be determined -- I don't know the specific date and
18 time. It will be determined in September. HUD will
19 then inform those recipients of the -- well, of
20 course, of the grant notification.

21 CHAIRMAN ANDERSON: This is just for
22 housing. Is there an employment SuperNOFA also or a
23 grant for employment?

24 MR. TRINIDAD: The Department of
25 Justice -- we did apply for a grant -- it's not called

1 a SuperNOFA -- with the Department of Labor or
2 Justice, but we have not received confirmation yet as
3 to -- no. Actually, we have not received any word yet
4 as to anybody who has been awarded that particular
5 grant.

6 We anticipate finding out something by
7 mid-September as well, because of the timeline that
8 these particular grants want or at least the
9 organizations that are supplying these grants will
10 want the people that are doing the grants to start
11 their projects.

12 CHAIRMAN ANDERSON: What's the magnitude
13 of these grants?

14 MR. TRINIDAD: I'm sorry. I don't
15 understand the nature of the question.

16 CHAIRMAN ANDERSON: Dollar amounts --
17 dollar amounts.

18 MR. TRINIDAD: They are \$100,000 grant
19 each.

20 MR. GOMEZ: And in particular,
21 Commissioner James, I would like to state at this time
22 that that particular grant where we're going to be
23 working out in your area -- basically in Ector County
24 and Midland County -- we would really like to utilize
25 you to go out there to the workshops with us,

1 presentations with us as our guest speaker. I'm
2 confident that we will get that grant, so I'm just
3 giving you notice on that.

4 COMM. JAMES: Yes, fair warning.

5 CHAIRMAN ANDERSON: We're in seven
6 locations for our outreach, which is greater than I
7 anticipated. I thought we would at some point have,
8 you know, maybe three or four, but we now have seven.
9 Are they all effective? Do you feel like you're --
10 we're not spending a whole lot of money, other than
11 your travel, I guess. But are they working? Are they
12 doing everything you thought they would do?

13 MR. GOMEZ: Well, first of all, just to
14 kind of dovetail on that, you know, you stated that,
15 yes, our expanded presence sites have increased. And
16 since we have those expanded presence sites, the times
17 that we go out there are few and far between. What we
18 have done -- and also I'll let David go into this --
19 is we're sending out an e-mail to all our contacts
20 that we make our there because, for example, if we go
21 out to Tyler, by the time we come back to Tyler after
22 going to Lubbock and Amarillo and then The Valley and
23 then El Paso to our expanded presence sites, then it's
24 going to take at least about another three months
25 before we go back to Tyler.

1 So what David has put together is an
2 informational e-mail that we send out there to the
3 contacts we've made just so they can keep us in mind,
4 telling them what CRD is doing, telling them what's
5 coming up.

6 I think, David, you're even including a
7 couple of examples of cases that have been in the
8 courts or have been settled during that time frame?

9 MR. TRINIDAD: That is correct. And we
10 also provide upcoming events, information about
11 upcoming events such as what areas we're expected to
12 be in at what particular times throughout the month
13 that that particular informational e-mail is sent out.

14 COMM. KHALIFA: This is how --

15 CHAIRMAN ANDERSON: Go ahead,
16 Commissioner Khalifa.

17 COMM. KHALIFA: How about when you go to
18 these places -- because I know you've come to Tyler a
19 couple of times -- doing a little bit more outreach,
20 maybe doing some outreach with some organizations such
21 as the Chamber of Commerce or just different people,
22 let people know that you're there and what you're
23 there for and what you do and that you are for what's
24 right. And what's right normally is what's right.
25 You know, if you have done something wrong, then, you

1 know -- but if you've done something right, there is
2 no reason, if some complaint has been filed against
3 you, that -- you know, if you've done nothing wrong,
4 you know nothing to fear from us. You know what I'm
5 saying?

6 MR. TRINIDAD: I understand what you're
7 saying.

8 COMM. KHALIFA: And the businesses know
9 of us, not just the businesses but the community
10 at-large, so that we have a better name and get better
11 known in this community. And it won't happen from
12 just doing it once. It's going to have to be a
13 targeted effort. And every time you go into these
14 places, you coordinate it with some kind of meeting
15 that you might want to go to, or a couple or three
16 meetings that you might want to have with different
17 organizations.

18 And I don't know what organizations.
19 You probably know better what organizations would
20 better help you in these matters. But, you know,
21 you're already up there, you've already traveled up
22 there. You know, what's spending another date and
23 meeting with these folks?

24 MR. TRINIDAD: I concur with that
25 thought very much. We strive to -- when I go out and

1 do the outreach coordination, one of the things that I
2 strive to do is, I'm looking at it from two
3 perspectives. I'm looking at it from housing, and I'm
4 also looking at it from employment. And even though
5 they're in some ways two separate entities, they come
6 together in a lot of ways, more ways than not in terms
7 of discrimination.

8 So a lot of times it is putting on
9 differing hats. One of the things that I'm engaging
10 in -- and understand that I am about six months into
11 this at this point in time -- that I am beginning to
12 develop these contacts and communications in areas
13 that I'm going out to. I want it to be a point to
14 where they put a face to a name, to an organization,
15 and they are comfortable with that organization and
16 they know what quality -- what the quality of the
17 product that they're going to receive from that
18 organize is, where we come from, where our center is.
19 That's a trust-building effort as well as a get-to-
20 know-you effort, and that does take a little bit of
21 time. But that effort is ongoing.

22 MR. GOMEZ: One other thing,
23 Commissioner Khalifa -- and I agree with you
24 100 percent on that -- is what is -- I guess the best
25 way to put it is the expanded presence program or

1 project expands every time we go out there. Every
2 time David goes out there, the times that I've been
3 out there with him, we make a contact, and then that
4 contact says, "Well, you need to contact so-and-so,
5 because they will be interested in this," or "Their
6 group will be interested in that." That's exactly the
7 way that we want it to work out there in those areas,
8 in Tyler, Lubbock, Amarillo, in El Paso and
9 The Valley, and that's exactly what the program is
10 geared to do.

11 Now, when David goes out there, you
12 know, not only keeping in touch with the old
13 networking contacts but also developing new ones, also
14 when I introduce David, I also said that he was a
15 housing investigator. Well, we take advantage of that
16 also, and we advise the investigators in our office
17 that are doing housing investigations that if they
18 need an on-site done in that area when David is out
19 there or they need any information delivered or picked
20 up in regards to any investigative process that they
21 have out there in that area, to let David know and
22 David also puts that on his agenda when he goes out
23 there. So we take advantage of him being out there
24 and being a housing investigator also to do that. So
25 when he goes out there, his plate is pretty full.

1 Right now he's spending about two, maybe
2 three days in those areas when he does go out there,
3 but we fully utilize his being out there in that area.
4 I know that for a fact, because I've been out there a
5 couple of times with him. And on a couple of times,
6 we've done on-site reviews out there, actually pounded
7 on doors, gathered information, delivered subpoenas or
8 information or picked up information that we needed to
9 pick up.

10 And that's a requirement that HUD has on
11 cases that we investigate. On certain cases we don't
12 have a choice on whether or not to conduct on-site
13 reviews. We do have to conduct on-site reviews on
14 certain cases. So we take that opportunity again to
15 let the investigators know and take full advantage of
16 the fact that David is out there in that area in that
17 particular time.

18 To address The Valley, we do have office
19 space in San Juan currently, Commissioner Wipf, but
20 the entity that's allowing us that office space for
21 our expanded presence project is opening up an office
22 in McAllen, and we will let you know when we do get
23 that office space in McAllen.

24 Just to emphasize a bit more information
25 on one of the activities that David presented to

1 you-all, that annual Agricultural Labor Summit in
2 Edinburg, I would like to send you that information so
3 you could come out there and I can present you as a
4 Commissioner for the Texas Commission on Human Rights.
5 We're going to be on a panel presenting information on
6 TWCCRD, along with the local groups there and also
7 EEOC as well as the local workforce center, worksource
8 center out there in Edinburg, and that will be for the
9 27th of August.

10 CHAIRMAN ANDERSON: Is there a need --
11 it's a little early now, but is there a need maybe to
12 revisit where we have locations and to consolidate and
13 maybe drop off those that are not effective, you know,
14 using our time as other locations?

15 MR. GOMEZ: Yes, sir, we sure will do
16 that because, obviously, it doesn't make sense to
17 expand our resources out there in areas that we're not
18 getting feedback on. But so far, as far as I know --
19 and I've asked David every time he comes back from
20 being out there -- to give me a rundown as to what has
21 been accomplished and what networking contacts and
22 what else we've accomplished out there, and it's so
23 far been beneficial in those areas that we've gone out
24 to.

25 The one that we've had not a lot of

1 response in is The Valley area, and that's simply
2 because the entity that allows us to use the office
3 space, they had some internal staff turnover, and I
4 think they kind of liquidated that office for a while.
5 But now staff is back on, and the word is that they
6 are moving into McAllen. So we will continue to
7 gather information. We will continue to gather
8 networking contacts and responses to either employment
9 or housing information and then reevaluate the sites
10 at that point in time, sir.

11 CHAIRMAN ANDERSON: Maybe that would be
12 an action item, Becky, where, not in October but maybe
13 sometime in 2009, we have kind of a status report on,
14 you know, which ones are working, which ones aren't
15 and if you contemplate, you know, not continuing in
16 those particular locations.

17 COMM. KHALIFA: You know, this is -- I
18 don't know. He said something about just been at it
19 for six months and that basically he's only been in
20 these places twice in six months if he's saying a
21 three-month turnaround. So I don't know if it's fair
22 to even evaluate it at this point, because he really
23 hasn't had a chance to get going good and get the name
24 out, and he needs more presence in these areas.

25 And that was what I -- my first

1 question -- that's just an observation. But my
2 question is, you said this is expanded presence.
3 Right?

4 MR. GOMEZ: Yes, sir.

5 COMM. KHALIFA: You go into an area
6 like, say -- because I know Tyler -- you go into
7 Tyler, but Longview is an hour away, 45 minutes away.
8 Athens is 45 minutes away. Longview is a good sized
9 town, almost as big as Tyler. If things are working
10 in Tyler, do you plan to expand his time? Is his
11 travel time set or can it be expanded when the need
12 comes and you can expand? Like if he's in Tyler and
13 he can go for a day into Longview or half a day into
14 Athens and half a day into Jacksonville? I don't
15 know.

16 MR. GOMEZ: Yes, sir. The expanded
17 presence time out there is very, very flexible. Just
18 to give you an example, in Midland/Odessa, I believe
19 that David went into Odessa, the Midland/Odessa area
20 to make contacts for the project that we're setting up
21 there, at the same time I met him up in Lubbock the
22 second day he was there, because we had that radio
23 PSA. And then prior to that, he had also done some
24 on-site --

25 MR. TRINIDAD: Some on-site

1 investigations.

2 MR. GOMEZ: -- visits in the Odessa/
3 Midland area. So again, we try to utilize. It's very
4 flexible. For example, if he goes up there on Tuesday
5 to do some on-sites and make some contacts that he set
6 up for Tuesday, and just for this example again, if a
7 particular radio station wants to do a PSA not till
8 Thursday, then he'll have other networking duties out
9 there or on-site duties prior to the Thursday out
10 there so we can do that PSA on that particular radio
11 station.

12 So it's very flexible. If there's not
13 plenty of activities or there's not work out there for
14 that particular area, and as far as networking or
15 on-sites, then it's going to be one or two days. But
16 it will be very flexible, as needed in those areas.
17 And, yes, sir, your idea of going out to Longview and
18 the surrounding areas, it's a very good idea and I'm
19 pretty sure that David will schedule that or try to
20 set that up the next time he is in that area.

21 COMM. KHALIFA: I'm just saying as the
22 need arises --

23 MR. GOMEZ: Yes, sir.

24 COMM. KHALIFA: -- and as Tyler gets
25 taken care of or you feel like he's established in

1 Tyler, maybe he could look in this area.

2 MR. TRINIDAD: One of the things that I
3 recognize and have been focusing on, when I mentioned
4 earlier about providing pamphlets and brochures to
5 different workforce board areas -- I understand that
6 in each of these workforce board areas, some of them
7 may be 11 to 15 to 17 counties in their particular
8 area -- they have workforce centers, at least one-stop
9 workforce centers, if not a satellite center, in at
10 least each county. From what I understand, that's one
11 of the requisites, the prerequisites, is to have -- in
12 each county seat, to have a workforce center.

13 So by coordinating with the executive
14 directors for those board areas and getting a
15 commitment from them that they will put out our
16 pamphlets, our information, available to the public
17 that walks into their facilities, that's another form
18 of way to expand our presence.

19 Another thing that I'm working with, at
20 least in the Tyler area and also with the Alamo area
21 is, the directors have both expressed an interest in
22 having a CRD do a presentation so that their staff who
23 sees the public on a daily basis will have a better
24 understanding of, you know, how to direct clients as
25 they come into the workforce centers with particular

1 needs, if it's a job-related issue or also if it's
2 housing related.

3 MR. GOMEZ: And as far as information,
4 there's preliminary information. Or, like
5 Commissioner Khalifa pointed out, David has been on
6 this position for the past six months. But in your
7 packet, we did include some preliminary information on
8 those targeted areas for our expanded presence, and we
9 do include Longview in there. And so we've got
10 Midland/Odessa, Lubbock, Amarillo, Tyler, El Paso,
11 Longview and San Angelo, and those are very
12 preliminary figures. Those are the type of figures
13 we're going to start keeping, keep track of to make
14 sure that we're -- again, the resources we expend out
15 there in those areas are fruitful and do give us a
16 feedback and the return that we would like.

17 CHAIRMAN ANDERSON: Even though
18 Mr. Trinidad has been doing this for six months, you
19 had someone else doing it prior to that. Right?

20 MR. GOMEZ: Correct. Yes, sir. We have
21 Bereniz Moreno who was doing this. In fact, she had
22 worked two projects, I believe, out there. And again,
23 the networking, I think David has picked up on some of
24 those. But David has established numerous contacts
25 and networking contacts out there in those areas that

1 are new to CRD.

2 CHAIRMAN ANDERSON: Thank you.

3 MR. GOMEZ: Thank you, David.

4 MR. TRINIDAD: Any further questions?

5 Well, if not, then I would like to hand
6 it back to Mr. Robert Gomez. Thank you.

7 MR. GOMEZ: Okay. Thank you, David.

8 As I mentioned to you before, the future
9 goals of CRD. We're very excited in going to this new
10 fiscal year, getting a new specialist investigator
11 plan into place. For the first time this will give us
12 the opportunity of becoming a primary housing division
13 for the State of Texas, in meeting the needs for the
14 people of the State of Texas, both in employment and
15 housing.

16 After meeting with Chairman Anderson,
17 Deputy Executive Director Gene Crump, TWC budget and
18 discussions with HR, CRD received approval for hiring
19 two additional FTEs. And I would like to at this time
20 express my appreciation on behalf of the Civil Rights
21 Division to Executive Director Larry Temple and also
22 Deputy Executive Director Gene Crump for approving
23 those additional FTEs, which will be utilized as
24 housing specialist investigators for the Civil Rights
25 Division.

1 As stated, these two FTEs will be
2 utilized as housing primary specialized investigators,
3 as indicated in the attached copy. And I attached a
4 copy in you-all's packet of the specialized
5 investigator case closure projected revenue plan. And
6 also in the e-mail that I sent you-all, I did enclose
7 a current fiscal year case closure plan for your
8 comparison.

9 Upon consensus with Chair Anderson and
10 Mr. Crump, along with input consensus from consultant
11 Bud Henry and researching historical closure
12 performance standards data, it was determined that the
13 best plan for CRD to pursue in the upcoming fiscal
14 years, a specialist investigator plan to be effective
15 September 1, 2008.

16 This specialist investigator plan will
17 generate projected revenue to meet CRD's budget and
18 yield a positive carryover for the following fiscal
19 year, also yield employment case closures to meet the
20 contract agreement with EEOC of 1,100 case closures
21 for the next contract year with EEOC, address the
22 immediate need for closures in the aging housing case
23 inventory that CRD currently has, ensure ongoing
24 closure of housing cases within the required 100-day
25 time period. And this goes back to the housing

1 investigations processing basic steps planned that
2 we've already initiated as of June 18, 2008, which
3 will enable hopefully our investigators, once they are
4 trained, to initiate a case, investigate a housing
5 case and make a determination on the case within 75
6 days, according to the plan.

7 It will allow Investigators 3 and 5 to
8 concentrate and be more proficient in either
9 employment Title VII or Housing Title VIII and their
10 applicable legal mandates, processes and procedures.
11 It will contribute in addressing the HUD review
12 findings and concerns by allowing a more concentrated
13 proficient effort in the housing conciliation and
14 investigative process, as mentioned before, the
15 initiation of the new basic steps, also the assignment
16 of investigators to ADR staff and the new
17 investigative plan. It goes along with the new plan
18 for the specialized concept for the Civil Rights
19 Division.

20 It will facilitate and put into practice
21 the corrective action items developed in response to
22 the HUD review, as mentioned before, assist in cutting
23 down on the learning curve time for new staff in
24 having to learn and proficiently conduct
25 investigations in just one program, help in

1 appropriating training and travel expenditures which
2 will allow targeting training as needed for
3 investigators in each program. For example, the HUD
4 academy, we'll be sending our specialized
5 investigators to that in Washington, D.C., as needed.
6 And also the regional training that we have in
7 Fort Worth on a yearly basis will allow us to send our
8 housing specialist investigators.

9 It will also enable our managers and
10 supervisors to remain proficient in both employment
11 and housing legal mandates, processes and procedures.
12 It is hoped that upon your review and upon your review
13 of this information that I have presented to you, that
14 you will offer your support to myself and the division
15 to go into the specialized plan for this coming fiscal
16 year.

17 And at this point in time, I would like
18 to take any questions or comments or anything that you
19 would have for me.

20 CHAIRMAN ANDERSON: Now, the managers --
21 you put in one of your points that the managers and
22 supervisors will remain proficient in both areas so
23 they can -- because their team is made up of housing
24 and employment both. Right?

25 MR. GOMEZ: Yes, sir. Basically what

1 we're planning to set up is that for Team 1, Team 1
2 will have four employment specialists and four housing
3 specialist. Team 2 will have four employment
4 specialists and five housing specialists. And then,
5 of course, we have the mediators that are also closing
6 those employment cases upon completion of the
7 mediations.

8 CHAIRMAN ANDERSON: Mediators don't do
9 any housing mediation?

10 MR. GOMEZ: No. We're involving the --
11 as stated before, we're involving our mediation staff,
12 our ADR staff in the conciliation process for our
13 housing investigations. That again involves
14 assigning. We have assigned investigators to the
15 three -- or one of the three mediators. And then upon
16 their request, they can utilize that resource to seek
17 assistance in conducting any conciliation efforts or
18 any actual conciliation forms that they might set up
19 with the complainant and respondent on a housing
20 investigation case.

21 CHAIRMAN ANDERSON: This is probably a
22 Mr. Crump question also. But financially, as far as
23 the budget is concerned, this plan would allow us to
24 meet budget goals and perhaps have some carryover that
25 will allow us some flexibility in future budget years?

1 MR. GOMEZ: My quick answer and positive
2 answer would be yes, and I'll allow Gene to elaborate
3 on that.

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

6 Chair Anderson, that would be correct.
7 The one item I would add to Robert's discussion around
8 the proposed specialist plan is, this is obviously
9 full employment and fully experienced investigators.
10 Robert advises it takes about six months for an
11 investigator to, if you will, be as proficient in
12 meeting either the employment goals of 11 or, for
13 Investigator 3 housing, at four. So it takes about
14 six months.

15 So those dollars there are probably a
16 little high as to what we would expect in terms of
17 revenue. But in general, you have to recognize if you
18 don't have an investigator on board, you don't have a
19 salary, and indirect is tied to salary. So there is,
20 you know, a cost vary increase and decrease, depending
21 on the number of staff involved. And you'll see that
22 in some of the slides coming up when we talk about the
23 finances. So the short answer is "Yes."

24 CHAIRMAN ANDERSON: When we had
25 specialized investigators previously, a few years ago,

1 when Commission Wipf and I were I think the only two
2 Commissioners here that are currently here, it seemed
3 to be that the housing people, you know, were housing
4 people and, "Don't talk to us about housing," and
5 employment people were employment people. And it
6 didn't allow us for the flexibility, depending on the
7 fluctuations of the case load that's coming in,
8 depending on whether the economy is good or bad. And
9 whether there's layoffs and things like this,
10 employment might go up. So how is this plan going to
11 allow us the flexibility to handle those type of
12 situations in the future?

13 MR. GOMEZ: The way that I can answer
14 that is, the flexibility and employment is -- the
15 employment cases, for example, with EEOC, we have a
16 contract of 1,100 cases coming up in this new contract
17 year. EEOC receives certain funding allowed for the
18 FEPAs, for the Fair Employment Practices Agencies.
19 They receive that piece of the pie for FEPAs. There
20 is no more than that. So when they contract with the
21 FEPA, the contract that they -- the numbers in the
22 contract that they contract for, that's what they're
23 going to pay us. Even if we close more cases, we
24 would have to then approach them for an adjustment to
25 the contract.

1 I believe the plan within itself has it
2 set up to be flexible enough also to address your
3 issue, that previous to the division being
4 specialized, that we had the housing only and the
5 employment only. Yes, it was set up that way prior to
6 me coming on board. Once I came aboard and I
7 reorganized into the two teams, as stated before, that
8 each team will have a combination of both employment
9 and housing. We've also tried to instill in staff
10 that we're all a team, it's a team effort. We involve
11 everybody in that team effort. So I really do not
12 foresee that coming about as it was before.

13 And I do understand and acknowledge the
14 fact that that was -- in fact, personally I did
15 encounter those comments when I did come in as
16 director for this division. But now with the new
17 staff coming on board, with the way that we are
18 organized into the two teams and each team having both
19 employment and housing investigators in each team, I
20 don't foresee that being an issue with the division.

21 CHAIRMAN ANDERSON: As an action item --
22 and I don't know what length of time to put on this or
23 to recommend -- but would it be feasible and would it
24 be effective to have one or two on each team who were
25 generalists, who had the flexibility to go to housing

1 or employment, depending on what the workload was?

2 MR. GOMEZ: As director for this
3 division, Chair Anderson, what I would like to see and
4 what I would like for you-all to consider is
5 implementing the specialized plan to start off the new
6 fiscal year so we can address the current issues. And
7 I'm talking about the issues that I've mentioned
8 before on the housing aging cases, the response to the
9 HUD review, the training that we have, specialized
10 training.

11 And then down the line when we incur a
12 vacancy, then what I foresee in working with TWC HR,
13 of course, is that perhaps establishing a position
14 such as a, quote unquote, super investigator where
15 they would be a true generalist, closing perhaps five
16 housing cases and three employment cases as being
17 their performance standards on a monthly basis.

18 And these, quote unquote, super
19 investigators would come from our ranks, and we would
20 put it out there for a volunteer from the Investigator
21 5 position, if they wanted or would like to be a
22 generalist. And like I said before, a true
23 generalist, not one where you have the majority of the
24 cases in housing and one employment or the majority of
25 cases in employment and one in housing.

1 What I would like to see is an
2 investigator, if we're going to call him an
3 Investigator 6, super investigator, is closing five
4 housing cases and three employment cases per month.
5 And we will give our staff the opportunity, the
6 option, to volunteer for one of those positions.

7 COMM. KHALIFA: Will they wear capes?

8 MR. GOMEZ: I wouldn't know about the
9 dress code in that aspect, Commissioner Khalifa.

10 CHAIRMAN ANDERSON: I see Ms. Thomas
11 back there. Maybe she can address from the HR
12 perspectives the feasibility and what hurdles that we
13 might have to go through to do this.

14 MS. THOMAS: Good morning. Jan Thomas,
15 Director of Human Resources Management and Staff
16 Development. Good morning, Commissioners.

17 As far as the Human Resources policies
18 for the agency, Robert does have the flexibility to
19 approach this either way. And like he has said, it's
20 been done both ways. It's been done as generalists;
21 it's been done as specialists. So I think, you know,
22 in dealing with managers when they're looking at
23 changes like this, the things that we would propose to
24 be looked at is what has worked in the past, what has
25 not worked well in the past, to try to learn from

1 that.

2 The other thing we would look at is
3 what's going to help you meet your mission or
4 accomplish your mission, how is that going to affect
5 the budget? I think Gene has addressed that. We
6 wouldn't want to do something that down the road would
7 result in a reduction of force.

8 The other thing is, are you going to be
9 able to meet your performance measures, the LBB, any
10 other measures, things like that, and then considering
11 Robert's input, his management team's input, your
12 consultant's input in trying to come up with the best
13 solution?

14 We have not -- I have not sat down with
15 Robert and talked about this in detail. We've just
16 had one phone call, you know, briefly a discussion.
17 But basically, like I said, it could be done either
18 way. We have not sat down and flushed out if you want
19 to have a super, you know, investigator, exactly what
20 all we would need to do that. It would take some
21 structural changes to what you have now, if that's
22 something you want to do. And I think there's nothing
23 that I'm aware of that would prevent that. It would
24 take some work to set that up.

25 CHAIRMAN ANDERSON: If there was a

1 significant change in the next -- employment started
2 becoming a big issue and we had a large number of
3 cases in the housing cases dropped off, then if we had
4 specialists, then presumably we would be looking at
5 layoffs in one area and hiring in another area. Is
6 that not correct? Or how would we handle that?

7 MR. GOMEZ: To address that, given the
8 numbers, given the historical data and the numbers
9 that the contract from EEOC that I mentioned before
10 and the amount of cases that we have in inventory for
11 both employment and housing, I don't foresee that.

12 The flexibility, that comes down to
13 staff being given the option of working employment
14 cases or a reduction in force. That would have to be
15 looked at at that point in time. But I don't foresee
16 that coming up. I think this kind of gives us that
17 flexibility to address the inventory historically of
18 what we have received before in our partnerships with
19 the EEOC and our partnerships with HUD.

20 If we need to address certain cases that
21 we cannot handle, for example -- which again I do not
22 foresee -- we have that partnership and that
23 understanding with both the director for HUD and
24 both -- and the director for EEOC, that we can go
25 ahead and adjust those cases and work with them in

1 that partnership capacity to address those situations,
2 without having to go through drastic measures such as
3 a reduction in force.

4 CHAIRMAN ANDERSON: If that scenario did
5 occur, then we would, I assume, permit employees who
6 were in one specialist area to transfer into another
7 specialist area?

8 MR. GOMEZ: Yes, sir.

9 CHAIRMAN ANDERSON: And do you think
10 that would be effective?

11 MR. GOMEZ: Yes, sir. I think that,
12 along with the flexibility that this plan allows us
13 and also with our working relationship, again with our
14 partners and with EEOC and HUD, I think that would
15 allow us to do that and address those issues if they
16 do come about.

17 CHAIRMAN ANDERSON: What are we looking
18 for here from the Commissioners -- our approval, our
19 agreement? Or do we have a vote on it or what,
20 Suzanna?

21 MS. HOLT: Chair Anderson, I believe
22 that it would be appropriate for the Commissioners to
23 vote if you so choose.

24 CHAIRMAN ANDERSON: Well, before we
25 vote, are there any questions?

1 COMM. WIPF: I would like to think that
2 the super investigator would be trained enough and
3 have a more sophisticated job descriptions than the
4 rest of it. And when we create this -- is she -- he
5 or she? -- should be compensated enough that the
6 specialty would actually pay for it. And then also on
7 the job description, when it does occur that there is
8 a need on the other side of specialty, that the person
9 would be flexible enough to shift over until the
10 change goes back to the original cycle.

11 MR. GOMEZ: From the management
12 perception, I would have to say that we would talk
13 with HR, look at it from the HR perspective and get
14 their guidance and see what we can do in that aspect,
15 when we come to that. But I would certainly seek
16 guidance and direction from HR.

17 CHAIRMAN ANDERSON: Probably need to
18 make that an action item, then, for, you know,
19 following up on that and then Robert and Ms. Thomas
20 looking at that potential or possibility.

21 MR. GOMEZ: Yes, sir.

22 CHAIRMAN ANDERSON: One of the questions
23 I think Commissioner Wipf asked was the finances also.
24 And do you envision any major problems? I know that
25 you can't sit here and say, "Okay. 2009, this is

1 going to be our flow of cases."

2 MR. CRUMP: Chair Anderson, no, I don't.
3 I mean, going back to the Commissioner's question, if
4 you had an incentivized Investigator 6 or something,
5 and certainly you would look for those people to
6 volunteer to do that. They would be, you know,
7 motivated because now they're, you know, setting
8 themselves up to be managers and supervisors, because
9 they will have training in both sets, much as you
10 would have your two teams today.

11 Obviously, from the Commission's
12 perspective, what I'm hearing is, is floaters or
13 whatever we wanted to call them, they would be in
14 place to ameliorate any increases or decreases in the
15 case load, depending on whether you needed housing or
16 employment cases closed to meet the various contracts
17 and funding requirements.

18 No, I wouldn't see necessarily any
19 financial impact that would be any more than you'll
20 see later on when we talk about the budget slides.
21 You know, staff salaries drive the CRD budget. So,
22 you know, if someone is closing cases at the current
23 levels, they're just going to be making money.

24 MR. GOMEZ: Another variable to
25 consider, if I may interject here, is also the fact

1 that when we are hiring new investigators now, we are
2 hiring at an Investigator 3. We're no longer hiring
3 at Investigator 5, because we have taken into
4 consideration that learning curve which, you know,
5 given everything falls into play, the training takes
6 and the investigator is picking up the information, we
7 look at six months perhaps to a year down the line.

8 But we have also established a training
9 plan where we gradually increase the number of
10 closures in the first six months and then working at
11 the performance standard given for an Investigator 3
12 by the sixth, seventh month of their tenure. This
13 will allows us, as Mr. Crump has presented -- you
14 know, basically our budget is driven by salaries.
15 This allows us to hire at a lower level, pay out a
16 lower salary during this learning curve process.

17 And then with the possibility of that
18 Investigator 3, upon his performance at the end of the
19 year, to possibly be moved up to Investigator 5 and
20 also producing at an Investigator 5 level. That's
21 another thing that we have implemented along with the
22 specialized plan that has been put before you.

23 CHAIRMAN ANDERSON: Actually, you have
24 already been doing that for some time, so that's
25 probably helped the budget to some extent anyway.

1 MR. GOMEZ: Yes, sir, it has.

2 CHAIRMAN ANDERSON: Any additional
3 questions from the Commissioners?

4 Then do I have a motion that we approve
5 and support the specialist plan going forward in
6 Fiscal Year 2009?

7 COMM. WIPF: I so move.

8 CHAIRMAN ANDERSON: Okay. Is there a
9 second?

10 COMM. MICHALKA: Second.

11 CHAIRMAN ANDERSON: All in favor, say
12 "Aye."

13 THE COMMISSION: Aye.

14 CHAIRMAN ANDERSON: Opposed?

15 (No response)

16 CHAIRMAN ANDERSON: All right. Go forth
17 and close lots of cases in a timely manner.

18 MR. GOMEZ: Thank you, sir. Thank you,
19 Commissioners.

20 At this point in time, if there are no
21 further questions for either myself, Jan or Gene, then
22 I would like to bring up Mr. Daryl Steglich who will
23 introduce or present the information regarding the
24 budget for CRD.

25 MR. CRUMP: Actually, Commissioners, if

1 you don't mind, I would like to take the lead at this
2 time, and then Daryl can kind of back me up.

3 Commissioner, in your materials, you'll
4 see new graphs and new presentations of budget
5 materials for your consideration. For a while now,
6 I've been looking forward to the time that we would
7 have some trend data that we could begin to lay out
8 for Commissioners so that they could, at a very quick
9 glance, associate revenue, expenditures and assess the
10 performance and the budget of the Civil Rights
11 Division.

12 So with that kind of background, I would
13 like to take you quickly through the three graphs.
14 Again, we wanted to keep them fairly concise. I hope
15 they're not too busy. If you have some
16 recommendations, we can certainly add those. Or we
17 can go back, if the Commission preferred the other
18 graphs.

19 The first graph is entitled "Civil
20 Rights Cases Resolved." And if you were to look at
21 the first set of data, which is kind of that orange
22 with the yellow bar on top, picking a point in time to
23 give the Commissioners a point of reference, what
24 you're seeing in that particular area is employment
25 cases -- and I focused on this bar graph here.

1 So the orange is the number of
2 employment cases closed through the first three
3 quarters of the year and then what were actually
4 closed for the remaining quarter in 2006. Then you
5 have that same information for Fiscal Year 2007.

6 Then in the green, you have what was
7 projected going into 2008. And then the red, the dark
8 red and then the pink is what's been completed to date
9 in 2008 and what we would project on a straight line
10 basis for the remainder of the fiscal year.

11 If you move to the next set of bar
12 graphs, that's the same philosophy for housing cases
13 resolved and projected or actually completed for the
14 fourth quarter. So it gives the Commissioners trend
15 analysis for the previous two fiscal years, the
16 projected budget going into FY '08 and what's actually
17 been closed by the Civil Rights Division investigators
18 for employment and housing cases. And, obviously, the
19 last set of graphs is just all of the cases closed,
20 added together.

21 Because cases closed represents
22 somewhere in the order of 50 to 60 percent of the
23 revenue that supports the CRD, this provides the
24 Commission at a very quick glance what's happened in
25 the past, what was projected for this year going into

1 the year and what's been done to date.

2 Commissioners, before I move on, are
3 there any questions about what we're depicting here?

4 CHAIRMAN ANDERSON: Yes. I think it's a
5 good depiction, in my opinion, but I am concerned.
6 The employment cases, we're doing better, and we lose
7 money on them. And the housing cases, we're not doing
8 as well, and we -- I was going to say make money --
9 but we exceed our expenses even of the total, is
10 pretty equal, I assume. And I've already looked at
11 it. It creates a disparity in the revenue and
12 expenditures. That's more of a question, I guess. It
13 didn't come out as a question. But how are we going
14 to address -- I guess -- okay. Let me rephrase it.
15 How are we going to address that?

16 MR. CRUMP: Okay. Commissioners, what's
17 happening this year, for 2008, there was approximately
18 \$365,000 of carry-forward dollars from the previous
19 fiscal years. So that will, in essence, help offset
20 the reduction in revenue that we're losing, if you
21 will, or not making on the housing side. So that will
22 carry us through 2008.

23 If we go back to Robert's discussion
24 about the specialist investigators, when you take
25 those dollars -- and we'll show it here in a minute in

1 a revenue slide -- and you compare the dollars that
2 will be generated in revenue on the specialist side
3 versus what's being generated today, the Fiscal Year
4 2009 budget would be adequate to cover the
5 expenditures of the Civil Rights Division.

6 Is that the question, Commissioner?

7 CHAIRMAN ANDERSON: Yes, I think so.
8 Certainly with only at -- what? -- two months left in
9 this fiscal year?

10 COMM. WIPF: Six weeks.

11 CHAIRMAN ANDERSON: Six weeks -- we
12 haven't seen the results of the -- we have June in
13 here, don't we?

14 MR. CRUMP: Yes, sir. This is for -- as
15 we talked about, what you're seeing is, basically
16 those lines on the individual bar graphs are the first
17 three quarters. So then June, July and August are
18 not -- I'm sorry. So June, July and August are not
19 added into these numbers. We projected in a straight
20 line basis forward for, in this case, cases closed
21 through May.

22 CHAIRMAN ANDERSON: You already have
23 June numbers? The June numbers --

24 MR. CRUMP: Well, we have them, but they
25 weren't --

1 CHAIRMAN ANDERSON: Right. Was it more
2 of the same or was there improvement in June?

3 MR. CRUMP: Chair Anderson, I did not
4 compare that yet. We can certainly do that.

5 CHAIRMAN ANDERSON: Why don't we go
6 ahead and start the specialists now? Will that have
7 an impact on the remaining part of the year? Are you
8 pretty satisfied that we're going to stay within
9 budget and we're not going to have any issues?

10 MR. CRUMP: Sir, again, the projections
11 are based on a straight line basis. I'm fairly
12 confidence that we'll be okay through this fiscal
13 year.

14 MR. GOMEZ: From a management
15 standpoint, I would like to hire those additional
16 FTEs. We currently have the two additional FTEs that
17 were provided to us by TWC, and also we have a vacancy
18 that we were just notified this past Monday one of our
19 staffers has obtained a better paying position with
20 another federal agency. So we have three current or
21 current FTEs that we can post, and we're going to post
22 them hopefully by the end of this week. We'll send
23 them to HR to get them posted. And then we plan to
24 hire and initiate the specialist plan effective
25 September 1st.

1 MR. CRUMP: So, Commissioners, if this
2 graph is not too busy, does it meet with everyone's
3 expectations? Are there additions or changes?

4 If not, then if we could turn to the
5 next graph. It's entitled "revenues and Expenses."
6 Again, returning to the very first bar graph, this
7 orange with the yellow on top, that is 2006 dollars in
8 terms of revenue. The orange, if you will, is the
9 revenue generated by cases closed, both housing and
10 employment.

11 The brighter or lighter yellow, if you
12 will, on top of that bar graph is the other revenue
13 that CRD receives. The biggest portion of that is
14 general revenue. They do generate some dollars for
15 providing training. They also receive some revenue
16 from HUD. It's reimbursement for training expenses
17 and those types of things. But the biggest part of
18 that, about \$710,000, is general revenue,
19 approximately.

20 So, as you see, you have 2006, 2007
21 revenue. Then the green is what we -- as we went into
22 FY '08, that was the budgeted number. Then the red
23 and the pink is what has been generated today. And
24 again, it provides you a very quick look at where we
25 believe we're going to be.

1 Moving to the next set of bar graphs,
2 then those are total expenses. The lines there are a
3 little different, in that we're going back to kind of
4 the same thought process on the first set of graphs.
5 The darker yellow here is what has been expended
6 through the first three quarters. And, of course, we
7 provide that point of reference so the Commissioners
8 can kind of get an idea of what 2006 looked like
9 through the first three quarters.

10 And, of course, we know what 2006 ended
11 up being, as well as 2007. So the lighter yellow, the
12 lighter blue are not projections. Those are just what
13 occurred in the fourth quarter. When you turn to the
14 green, again the same thought process, what would have
15 happened if we hadn't stayed right on budget. And
16 then, obviously, the red and the pink is what has
17 occurred to date in the deep red. And the pink is
18 what we would project, again, on a straight line basis
19 of expenses year to date.

20 And, Commissioners, I'm not trying to
21 over- -- it's really -- it's very important to us that
22 we provide you the management information you need at
23 a very quick view for y'all to make decisions. And so
24 we're certainly hopeful that this is giving you the
25 information that you've not had in the past, to have

1 some trend analysis to give you a point of reference
2 in time, then to look forward.

3 CHAIRMAN ANDERSON: There's about
4 \$170,000 shortfall. Is that what it says?

5 MR. CRUMP: Yes, sir.

6 CHAIRMAN ANDERSON: Which will be made
7 up by the carry-forward, the carry-over from previous
8 years?

9 MR. CRUMP: Yes, sir.

10 Then the final graph -- and it's a
11 fairly simple graph -- but if you look at the last
12 number on that second graph, which is a million 704 in
13 terms of expenses, all the last graph does is give you
14 a breakout and again some trend analysis for the prior
15 years in the budgeted of those actual expenses. And
16 we talked about salaries being the budget driver. And
17 certainly if you look at salaries relative to the
18 other expenses, it's 85 percent of the CRD budget. So
19 staff on board really drives the cost of the CRD.

20 The only thing that -- as I reviewed the
21 graphs a couple of times, the only thing that we don't
22 provide in here that we could provide would be average
23 FTEs on board. I don't know that that really helps
24 but from my perspective is something I certainly
25 track.

1 So are there any -- I hope they're not
2 too busy. Are there any comments or suggested
3 improvements or would y'all prefer to go back to the
4 old graphs?

5 COMM. WIPF: No. I think this looks --
6 is a lot easier to compare.

7 CHAIRMAN ANDERSON: Yes. I think that
8 we -- I think it was Commissioner Khalifa -- or maybe
9 it was James -- asked for this type of analysis last
10 meeting or the meeting before last. So in my mind, if
11 it meets that objective.

12 But the thing that kind of stands out is
13 that salaries budgeted and expended compared to 2007
14 and the budget for 2008, salaries and benefits are
15 down. So what's up that our expenditures are not
16 meeting, you know --

17 MR. CRUMP: Commissioners, one point of
18 emphasis. On this last graph, this is only year to
19 date. We don't have a projection. I mean, you have
20 total dollars projected on the previous graph. This
21 is only dollars expended year to date. In terms of --
22 to answer your question, sir, obviously, salaries and
23 benefits are driven by people on board, so it's a
24 reflective -- you know, it's reflective of turnover
25 year to date.

1 CHAIRMAN ANDERSON: Well, sometimes
2 turnover is not a bad thing. Right?

3 MR. CRUMP: Being Machiavellian, as long
4 as it's not an investigator from a green eye shade
5 perspective, it's a good thing.

6 CHAIRMAN ANDERSON: Right, because
7 they're the ones bringing in the revenue.

8 MR. CRUMP: Yes, sir.
9 If there's no questions, then what
10 finance staff will do is, this will be the type of
11 presentation that will be for future quarterly
12 Commission meetings. And if there's any
13 recommendations or suggestions for improvement, please
14 send them my way and we'll include them.

15 CHAIRMAN ANDERSON: Okay.

16 MR. GOMEZ: And in closing on the
17 budget, if there's no more further questions or
18 comments, I would really like to express my gratitude
19 and thanks to both Gene and Daryl in putting these
20 graphs together and assistance with the presentation
21 for the budget for you-all.

22 COMM. JAMES: Thank you for the
23 information. I like the graphs. And the colors are
24 pretty as well. I appreciate that.

25 MR. CRUMP: Well, sir, I particularly

1 like the light blue, which is Carolina blue.

2 COMM. JAMES: Carolina blue.

3 MR. CRUMP: The maroons and the burnt
4 orange, I don't really care for much.

5 COMM. JAMES: Whoo! That's tough;
6 that's tough. You've probably got a lot of maroon and
7 burnt orange sitting up here.

8 I just have one question. We've talked
9 a little bit about turnover rate today. Does anybody
10 have a sense of what that is and how we would
11 calculate it?

12 MR. CRUMP: Yes, sir. We actually do it
13 for the state. Jan, I'll ask -- I think the state
14 rate is about 15 to 16 percent?

15 MS. THOMAS: Yes.

16 MR. CRUMP: So, sir, the state rate is
17 around 16 percent. We can certainly do that for the
18 Civil Rights Division. I mean, I have not calculated
19 it for the division specifically. Jan and I look at
20 it and talk to the executive team for the agency as a
21 whole. We can use that calculation to come back and
22 report back.

23 COMM. JAMES: I think it would be an
24 interesting number to see. And also various
25 organizations calculate that differently. So how it's

1 calculated and what it is I think would be -- and
2 that's an e-mail. That's not a --

3 MR. CRUMP: Yes, sir. We use the State
4 Auditor's office methodology for calculating the
5 turnover rate so that all state agencies calculate it
6 the same.

7 COMM. JAMES: Very good. Just a
8 follow-up e-mail or something like that.

9 COMM. WIPF: Yes. I'm just a little
10 concerned that we may be losing key personnel because
11 of the budget, because if we're losing them to another
12 federal institution that has pretty much the same
13 salary schedule as we do, then maybe not. But it
14 looks like if people are leaving because they just
15 don't like us or they don't like what we're doing,
16 then I might be concerned. But if it is the money,
17 that might be something that we can remedy in the next
18 budget.

19 COMM. KHALIFA: What if it's Robert?
20 What if it's Robert running them off?

21 MR. CRUMP: Moving past that --

22 MR. GOMEZ: Let me respond by two words,
23 "more money," and that's what, you know, we don't
24 have. I'm glad you kind of touched on that,
25 Commissioner Wipf, because one of the underlying hopes

1 in this new specialized plan is that we do generate
2 enough revenue to have sufficient funds at the end of
3 next fiscal year to provide our staff with either
4 bonuses or merit raises. That is my underlying hope
5 also with this plan, the specialized plan.

6 And so if it all comes to fruition,
7 hopefully we can keep them on long enough. During
8 this fiscal year, we can, just to give you a brief
9 example of the five individuals that have left CRD,
10 let's say in the past three or four months, three
11 definitely have left because of more money, other
12 state agencies, the federal agency that I mentioned.
13 And we just lost an administrative assistant to
14 another state agency, and she gave her notice I think
15 this week also.

16 So they are leaving for more money, and
17 basically that's the underlying -- like I say, the
18 underlying hope with this plan also is to generate
19 enough revenue to award our staff with additional
20 monies in the form of bonuses or merits.

21 COMM. KHALIFA: Not just the top
22 investigators but everybody?

23 MR. GOMEZ: Hopefully everybody, yes,
24 sir, depending on how much revenue we do generate and
25 have available at the end of the year, towards the end

1 of the fiscal year.

2 MR. CRUMP: Commissioners, at the risk
3 of stepping out of bounds here, I would like to add,
4 we have talked a lot about within state government --
5 and it's a credit to CRD. While we could retain more
6 people if we had more money, quite honestly, within
7 the salary schedule -- and it affects all state
8 agencies -- people are going to, as they acquire
9 skills, as people are trained as housing and
10 employment investigators, everyone can't be an
11 employment Investigator 5 or a Housing Investigator 5.

12 And so as people come in and gain skill
13 sets and they have the opportunity to be supervisors
14 and managers and move up in other state agencies,
15 that's what occurs. As a personal example, that's
16 what happened with me. I left an agency and came to
17 TWC. There was not turnover at the higher levels so
18 that I could move up. There was an opportunity here
19 to TWC, so I actually came over to TWC.

20 So it's not always a negative -- I'm
21 sorry. Sometimes it sounds like a negative
22 connotation when we talk about losing staff. We
23 certainly want to retain all the staff that we have,
24 but sometimes we're going to lose staff simply because
25 if you're going to keep a salary schedule in place and

1 perform at our most effective and efficient levels,
2 sometimes those people -- we're going to lose people
3 we don't like to lose. And we have it within the
4 whole TWC all the time. So I just wanted to offer
5 that as a comment.

6 MR. GOMEZ: One more point on that is
7 that I would like to see -- or I would like to say
8 that optimistically we probably provide efficient
9 training that allows our staff to find employment
10 somewheres else at a higher level.

11 MR. CRUMP: Yes.

12 CHAIRMAN ANDERSON: Well, I want to make
13 sure that we -- and I know there is an emphasis on
14 housing, but I want to make sure that we don't become
15 a housing agency. This is a Civil Rights Division,
16 and employment is not only integral, it's an essential
17 part of what this agency does, irrespective of the
18 fact that we don't get reimbursed from EEOC at the
19 rate of what the cost is to do an investigation. So,
20 you know, whatever we get from the general revenue is
21 going to have to make up that level.

22 MR. GOMEZ: Yes, sir.

23 CHAIRMAN ANDERSON: Okay. If there's no
24 more questions for the financial gentlemen, then
25 you're excused. Appreciate you coming in.

1 MR. GOMEZ: Thank you, Chair Anderson.

2 AGENDA ITEM NO. 4

3 MR. GOMEZ: And, Commissioners, at this
4 time I would like to introduce Vickie Covington who is
5 in our Enforcement section of the division. She is
6 the manager for Team 1, and she'll be presenting the
7 information on employment enforcement.

8 MS. COVINGTON: Good morning,
9 Commissioners, TWC staff and visitors. For the
10 record, my name is Vickie Covington, and I'll be
11 sharing with you this morning our employment
12 performance.

13 As you can see, through May of 2008, we
14 have had 846 cases filed. We resolved 874. We sent
15 three back to the EEOC, leaving us with an ending
16 balance of 480 cases.

17 Are there any questions?

18 Next slide.

19 CHAIRMAN ANDERSON: Big drop from 2007.

20 MS. COVINGTON: Yes. If you'll recall
21 last year, we entered into an agreement with EEOC to
22 send cases to us so that we could have additional
23 cases to resolve in order to meet our LBB numbers.

24 CHAIRMAN ANDERSON: Do they not -- does
25 the EEOC not have inventory to send to us at this

1 point?

2 MS. COVINGTON: At this point the EEOC
3 does have inventory to send to us. However, we are on
4 track to meet our new contract of 1,100 cases. And we
5 are also receiving sufficient case numbers to meet our
6 performance goals. But there are cases out there, if
7 we would contact the EEOC, if we needed them.

8 CHAIRMAN ANDERSON: So we would have
9 three more months to add to this 846?

10 MR. GOMEZ: Yes, sir.

11 MS. COVINGTON: Yes, Chair, we do.

12 Next slide. What this slide shows -- if
13 we compare our numbers to last year this time, and I
14 would like to bring your attention to our merit
15 resolutions, and those are the no-fault settlements
16 and withdrawal with settlements -- last year this time
17 we had resolved 141, and that was approximately
18 16 percent of our resolutions with merit, and this
19 year we're running a little bit over 17 percent merit
20 resolutions.

21 CHAIRMAN ANDERSON: Any reason?

22 MS. COVINGTON: It's only about one
23 percent. And when we cover the other ADA, ADEA and
24 Title VII, you'll see that there are some differences
25 there. And I believe last time the question came

1 up -- and I think what happens is, as the employer is
2 addressing one of either Title VII or ADA or ADEA
3 internally, they don't train all three at the same
4 time. And so the training is targeted towards
5 whatever area they see a problem with.

6 Any other questions?

7 And this slide shows that approximately
8 23 percent of our cases that were closed were
9 disability, approximately 19 were age, and
10 approximately 58 percent were Title VII. And
11 Title VII continues to be our largest category of
12 cases.

13 Any questions?

14 Next slide. And here again, if you'll
15 look at our merit resolutions, the no-fault
16 settlements and the withdrawal with settlements, they
17 comprise about 20 percent of our closures. And,
18 actually, that was on par with where we were last
19 year.

20 Any questions?

21 Now, where we have seen an increase is
22 in our age closures. Last year at this time, they
23 made up about 11 percent of our merit resolutions.
24 And through May of '08, they make up about 16 percent
25 of our resolutions.

1 Are there any questions?

2 Next slide.

3 CHAIRMAN ANDERSON: Any of these numbers
4 troubling to you that you have? I mean, as a manager
5 over one of the teams, but your primary area of
6 expertise is employment, are any of these numbers any
7 cause for you and your members of your team to say,
8 "Oh, my gosh! We've got problems"?

9 MS. COVINGTON: Well, one of the things
10 that we do in our investigations, if we conduct an
11 investigation, although we may not find a violation,
12 we encourage the investigators to speak with the
13 respondents or their authorized representatives. And
14 we point out those areas to them, either where they
15 have a weakness in their policy or there may be some
16 actions that do not rise to the level of.

17 But we tell them that potentially
18 they're looking at maybe some liability in the future.
19 And in some cases, if the case is closed, there is no
20 cause with us. The employers may still be looking at
21 some liability later on down the road, because the
22 complainant gets a notice of right to file civil
23 action, both from us and from EEOC.

24 So should they choose to do so, they can
25 still go to court and potentially look at getting a

1 settlement in court. And we've actually had cases
2 where the parties have come together after we've
3 conducted an investigation and entered into a
4 settlement agreement, even after we found no cause.

5 And so that's one way that we address
6 it. And we try to link them up with Tony's shop so he
7 can explain to them the training that's available and
8 how they would go about scheduling the training. So
9 even though you might see a no-cause case, we might
10 still potentially be taking some action to prevent
11 future cases from coming to us.

12 Are there any questions?

13 Next slide. Now, what this slide shows
14 is the impact of the housing employment specialist
15 plan. If you'll notice, our cases that are in the
16 category of 251 days or over, this has been the impact
17 on the employment section. We've got significantly
18 larger numbers in these categories than we've had in
19 the past. And although these cases continue to be our
20 priority, because the investigators are closing eight
21 rather than eleven cases, this has contributed to
22 that. And we also had a tenured employment
23 investigator that left, and the investigators had to
24 absorb those cases also.

25 Are there any questions?

1 And if there are no more questions, I
2 just wanted to let the Commissioners know that the
3 management staff will be traveling to San Antonio the
4 31st of July to attend their Technical Assistance
5 Program that they basically put on once a year.

6 Are there any questions?

7 MR. GOMEZ: What Vickie just mentioned,
8 Commissioners, is the TAPS conference in San Antonio.
9 EEOC puts on these TAPS conferences and provides
10 technical information, technical assistance to the,
11 FEPAs or other organizations wanting to get such
12 information from EEOC. So our management team, all
13 our management team get up very early on that day,
14 traveling to San Antonio, and do a one-day trip out
15 there and then coming back after the TAPS conference.

16 MS. COVINGTON: Yes, Commissioners.

17 COMM. MICHALKA: If I understand
18 correctly, historically it used to be the employment
19 division, and you head it up, and then there's a
20 housing division that Ms. Mac Kenna headed up?

21 MS. COVINGTON: That's correct.

22 COMM. MICHALKA: And then it went to the
23 generalists?

24 MS. COVINGTON: That's correct.

25 COMM. MICHALKA: And now we're going

1 back to the specialists. And I understand why,
2 because of the nature of the cases and kind of been in
3 that arena before. But now you have employment
4 specialists and housing specialists under you. Do you
5 think that is good or do you think it's better to go
6 back to you would be over all the employment
7 specialists?

8 MS. COVINGTON: I think the way that
9 we're currently structured, if we have employment
10 people primarily focus on employment and housing
11 people primarily focus on housing, it allows the
12 managers to more accurately see where the weaknesses
13 are and target those. It's difficult when an
14 investigator has weaknesses in employment and in
15 housing, to address both of those at the same time.
16 And so I would say that the management team has -- I
17 believe the management team can more or better manage
18 the program, even though there's employment and
19 housing on the different teams.

20 COMM. MICHALKA: Okay. But what I was
21 saying is, is you know how you previously used to be
22 over all the employment investigators and now you have
23 employment and housing. Do you think that's good to
24 have the employment and housing under you and do you
25 think it would be better to go back to the old system

1 where you had all employment?

2 MS. COVINGTON: I believe to have
3 employment and housing under two managers is best for
4 the division.

5 COMM. MICHALKA: Okay.

6 MS. COVINGTON: And that would be my
7 preference.

8 MR. GOMEZ: And just to kind of --

9 COMM. MICHALKA: That puts the pressure
10 on you, because that means you have to know both areas
11 quite well.

12 MS. COVINGTON: That's correct.

13 MR. GOMEZ: And again, going back to
14 what Chair Anderson kind of pointed out -- and this
15 is, you know, what I inherited was exactly what you
16 pointed out -- is one manager over employment, one
17 manager over housing. I think that lent itself to
18 investigators saying, "Hey, you know, we're the ones
19 that are making money in the housing and we're the
20 ones that are doing this. So, you know, why don't we
21 get merit raises and why don't we get bonuses versus
22 what, you know, they're doing, because they're losing
23 money in employment?"

24 So I think this plan, when we have a
25 combination of employment and housing in each of the

1 teams I think doesn't lend itself too easily to that,
2 plus the fact that we always instill into the staff
3 that it's a team effort, it's a total team effort. I
4 think it's -- it's a more positive way to approach it
5 as far as the division is concerned.

6 MS. COVINGTON: Are there any other
7 questions? And I'll be followed by Alice Mac Kenna,
8 Manager, Investigation Team 2.

9 AGENDA ITEM NO. 5

10 MS. Mac KENNA: Good morning,
11 Commissioners and staff. For the record, my name is
12 Alice Mac Kenna, manager of Investigative Team 2.

13 Okay. This line, as you can see, shows
14 that our inventory remains high. As of the third
15 quarter, we have received 218 cases. Comparing our
16 receipts in the fourth quarter of FY 2007, we could
17 predict that we would estimate about 277 cases --
18 receipts. That's significantly higher than for the
19 total of FY 2007. So our inventory continues to come
20 in.

21 Are there any questions?

22 Okay. This slide shows how cases are
23 closed. And, as you can see, we continue to close the
24 majority, and that's 50 percent of our cases is a
25 complete and thorough investigation. We also have a

1 high number of cases closed with conciliation or
2 withdrawn with benefits. And this year it's
3 27 percent, and that is more than double last year.
4 We had 12.5 percent in '07 that was closed that way.

5 Are there any questions?

6 CHAIRMAN ANDERSON: Of course, that
7 percentage was based on a higher number of cases in
8 2007. Right?

9 MS. Mac KENNA: It was based on the
10 number of cases -- what I did was based on the number
11 of cases closed in 2007, compared to the number of
12 cases closed in 2008.

13 CHAIRMAN ANDERSON: Oh, okay.

14 MS. Mac KENNA: And this slide, I would
15 like to point out, is our aged cases. As you can see,
16 they are far lower at this point than in 2007. Our
17 age cases will continue to decrease once we initiate
18 the specialized approach for the investigators.
19 That's my belief.

20 Any questions?

21 CHAIRMAN ANDERSON: This is probably
22 more of an operational question. But you've
23 designated who is going to be employment and who is
24 going to be housing. Are there any issues or
25 conflicts there? I mean just for informational

1 purposes. You know, we're not suggesting you ought to
2 micro-manage it, but --

3 MR. GOMEZ: No issues or conflicts
4 currently, and I don't foresee any, because the way
5 that we're going to transition into the specialist
6 plan from what we have now is basically the
7 investigators that are primary employment will become
8 the employment specialists and the investigators that
9 are primary housing will become our housing
10 specialists.

11 The three FTEs that we are hiring will
12 give us the opportunity to hire an additional three
13 Investigator 3 positions in the housing specialized
14 area. So I don't foresee any conflicts, you know, bad
15 feelings from the staff. Making another major change
16 would impact staff, but I think this will be an easy
17 transition into the specialized format.

18 CHAIRMAN ANDERSON: This is probably
19 also micro-managing, but I'm going to go ahead and ask
20 it anyway. Some of the employment -- all the
21 employment investigators have some experience now in
22 housing -- some more, some less. If you're going out
23 and hiring people from the street, doesn't it make
24 sense to go to some of the employment ones and say,
25 "Would you like to do housing?" and hire somebody off

1 the street into employment? You know, housing is
2 fairly complex; it can be complex. Some of them are.

3 MR. GOMEZ: I think we would have the
4 opposite, Chair Anderson. I think in talking with
5 staff and comments that I've heard from staff through
6 management and comments that I've heard from staff
7 through Mr. Bud Henry, I think once we present this
8 plan, which we intend to do tomorrow at a full staff
9 meeting, I think they're going to jump for joy for
10 just going back to employment only. And they wouldn't
11 mind giving away that housing aspect of the
12 investigative enforcement inasfar as housing cases are
13 concerned.

14 And speaking for the employment people,
15 I think they'll -- they will look forward to having
16 those housing investigation cases go by the way.

17 MS. Mac KENNA: Next slide. What's been
18 happening in housing? Well, as Robert has already
19 reported, we did attend the HUD Policy Conference in
20 Atlanta this year. And this was also not only a
21 policy conference but it also celebrated the 40th
22 anniversary of the enactment of the Fair Housing Act.

23 We have already sent five people to the
24 State Housing Training Academy. And we are, between
25 July and September, sending an additional eight

1 people. And this will fulfill the requirement from
2 HUD to have a minimum of 12 people sent during this
3 past fiscal year.

4 And finally, next month we will be
5 attending the HUD regional conference in Fort Worth.
6 That's becoming an annual conference now for our
7 region.

8 COMM. KHALIFA: A what?

9 MS. Mac KENNA: A HUD regional
10 conference is a training for the investigators
11 basically on any issues that our region is finding may
12 be of a concern to HUD, so they bring the facts
13 together for regional training. And that will be in
14 Fort Worth in August.

15 And as an FYI, we are in the middle of
16 reconciling case closures with HUD for the award of
17 the FY 2009 HUD contract agreement or cooperative
18 agreement. And fulfilling our FY 2008 cooperative
19 agreement, we did receive an additional \$12,000.

20 Are there any questions?

21 CHAIRMAN ANDERSON: The Housing Manual,
22 is it good, bad? I guess you are about ready to
23 finalize it, or Bud has got it to review. How is that
24 working, Alice and Robert?

25 MR. GOMEZ: My opinion on the Housing

1 Manual is that it's good format, it good information.
2 It follows the basic instructional steps that I
3 mentioned before. I did have the opportunity to sit
4 down with consultant Bud Henry again on Friday. He
5 looked it over. We went over it briefly during our
6 meeting on Friday. He likes the information, the
7 format, especially the fact that we have included
8 those basic steps for that 75-day targeted closure for
9 housing investigations.

10 And he did take a final draft copy with
11 him. He was going to let us know if he had any
12 additional comments or suggestions. One of those
13 suggestions he did leave with me was that we could
14 possibly duplicate the HR manual, depending on any
15 reformatting that we needed to do or proofreading for
16 the manual itself, putting it together and
17 distributing to our housing primary, or now housing
18 specialist investigators.

19 He didn't have an issue with it. In
20 fact, the opposite. Like I stated before, he did like
21 the manual. He liked the table of contents that we
22 put together and the fact that it followed the
23 instructional basic steps. So I would say it's a good
24 manual, good working and user-friendly manual.

25 COMM. WIPF: From the last national

1 conference, enlighten me as to whether or not there is
2 a rise or fall of HUD complaints that were filed in
3 the past year.

4 MS. Mac KENNA: This past year from the
5 last past year, we're about the same.

6 COMM. WIPF: Okay.

7 MS. Mac KENNA: There hasn't really been
8 that much of a difference. I haven't really looked at
9 it that well, but it looks to be about the same. But
10 I can get that number specifically for you and get it
11 to you.

12 COMM. WIPF: It's my observation that
13 because there is such an excess of inventory of
14 housing available, both HUD and non-HUD, that
15 developers and builders are just more than happy to
16 sell homes to a lot of people. If there is any
17 problem, it would probably be with (inaudible),
18 because they couldn't get any -- many of them couldn't
19 get any loans. But it seems like complaints as far as
20 our agency is concerned might be lower.

21 MR. GOMEZ: Yes, ma'am. Well, that's
22 kind of a two-edged sword. I mentioned the fact that
23 I went to that forum in El Paso on predatory lending,
24 or lending issues. It is a two-edged sword because,
25 in fact, oddly enough, there is a reason that's being

1 used as a defense, which is almost a discriminatory
2 action that's being used as a defense.

3 Just to give you an example, these loans
4 that they're making, the mortgage companies or lenders
5 that are making to these individuals, they're not
6 disclosing the full information or making it too easy
7 for individuals that actually don't qualify for these
8 loans.

9 But then after a year, when there is a
10 balloon payment that's due and either the interest
11 rate or the monthly payment hand-in-hand go up, then
12 these individuals cannot afford that housing.

13 Ironically, like I stated before, what their defense
14 is, "Well, before you were telling us that we're
15 making it too difficult for people to get in. Now
16 we're making it very easy. Now you're saying we're
17 discriminating."

18 The fact that -- where the
19 discrimination comes in is when, to give you an
20 example, currently we're looking into a case where
21 there is information -- there is outreach by this
22 lending institution, there is information, there is
23 the initial contact, the consultation with the
24 individuals that are LEP, limited English proficient
25 individuals.

1 They conduct all their business up front
2 in Spanish, let's say, if it's Spanish language that
3 we're looking at. And then when it comes down to the
4 closing and the actual signing of the paperwork,
5 everything is done in English. All the paperwork is
6 in English. The individual that they go to the
7 closing to speaks English only, and that's where the
8 problems arise. And these people are being targeted.

9 Once, you know, they read the whole
10 packet at closing cost of paperwork that's in English,
11 if they can read it at all, and then they sign where
12 they're supposed to sign. Basically what they're told
13 is, "If you want this property, that the information
14 has already been given to you, then you need to sign
15 this, sign this, sign this."

16 And we're all pretty familiar with what
17 takes place at a closing. We have to sign like, you
18 know, 100 documents before we're allowed into the
19 property. And that's basically what's being done, and
20 that's just one example of the type of predatory
21 lending.

22 The reason I bring that up is because
23 we're going into other areas of discrimination,
24 predatory lending being the new -- or the newest one.
25 There is another issue out there with the design and

1 construction where we actually have to go out there on
2 site, not only measure or investigate the actual
3 property that's in question but also make a comparison
4 to the other properties. Let's say in an apartment
5 complex, this is quite timely, because we have to do a
6 comparison with all the available units. Some of
7 these apartment complexes have over 100 units, 200
8 units, so we need to look at the property as a whole.
9 So, you know, they become more complex. Not only is
10 the number more or less staying the same, but the
11 cases themselves are becoming more complex and are
12 going into other areas such as predatory lending.

13 MS. Mac KENNA: Besides what's happening
14 in the housing market globally, here in Texas we've
15 seen a higher amount of foreclosures as well, because
16 a couple of sessions ago, the Legislature decided that
17 they could take -- people could take loans against the
18 equity in their house. That was not allowed before in
19 Texas, and that's causing some problems as well with
20 the foreclosures.

21 If there are no other questions --

22 COMM. MICHALKA: Wait.

23 MS. Mac KENNA: Oh, I'm sorry.

24 COMM. MICHALKA: That's okay.

25 Not the same question as I gave

1 Ms. Covington, but in the proposal that we're looking
2 at dealing with 2009 projected case closures and
3 revenue, it has on here to close roughly 528 housing
4 cases per year. I'm looking at the last kind of what
5 we did this year and then the last two years, and
6 that's like double Fiscal Year 2006, double this year.
7 Do you think it's possible? I mean, that's a lot of
8 cases.

9 MS. Mac KENNA: If we keep our staff at
10 the level that we've got right now and we go into the
11 specialized, yes, it's doable. But our problem is the
12 turnover. So we're always going to have people that
13 are in that learning curve. They won't be getting
14 that same number of closures, and that's being taken
15 into consideration as well when we're looking towards
16 the budget.

17 CHAIRMAN ANDERSON: Yes. I --

18 MS. Mac KENNA: Yes, it's very doable.
19 And I say that after 18 years in housing. It can be
20 done.

21 COMM. MICHALKA: Once again, what I did
22 was, I looked at the case closed and the ending
23 inventory, because that would be the amount of cases
24 you handled per year.

25 MS. Mac KENNA: Yes.

1 COMM. MICHALKA: In Fiscal Year 2006,
2 that would be 446. 2007, it would be 439. And right
3 now y'all have closed and you have in your inventory
4 347.

5 MS. Mac KENNA: Yes.

6 COMM. MICHALKA: So it would be closing
7 70 some-odd cases over the 2006 number.

8 MS. Mac KENNA: Yes.

9 COMM. MICHALKA: And I'm thinking that's
10 a lot. Those are a lot of cases because, you know,
11 that wouldn't include your ending inventory in there
12 also.

13 MS. Mac KENNA: But keep in mind these
14 investigators will be specializing. They will only be
15 doing housing, and they won't be having to do the
16 mindset of switching from Title VII to Title VIII,
17 which it can be confusing. I've been doing intake on
18 both housing and employment, and it is difficult to
19 switch.

20 And so I think that once they are
21 specifically doing Title VIII in this case is
22 housing --

23 COMM. MICHALKA: Yes.

24 MS. Mac KENNA: -- yes, I think it is
25 quite doable, because many of our cases will

1 conciliate. They won't have to do a complete and full
2 investigation.

3 MR. GOMEZ: One of the things,
4 Commissioner Michalka, just to state it the way that
5 Mr. Gene Crump stated it, is that when you're looking
6 at a plan like this, this is a projection requirement
7 when you have fully staffed --

8 COMM. MICHALKA: Oh, yes.

9 MR. GOMEZ: -- fully trained staff on
10 board, then this is doable because those are their
11 performance standards. Now, we have to factor in
12 turnover; we have to factor in the possibility of some
13 of these investigators not meeting their performance
14 standards also.

15 So that is something that is factored
16 in. In keeping everything the way that we would
17 utopian like it, you know, this would be it. But in
18 reality, we know that we possibly won't reach those
19 numbers unless we do keep all staff and all staff is
20 fully trained and functioning and producing what
21 they're supposed to be producing according to their
22 performance standards, then yes. But, of course, we
23 know that in the duration of a fiscal year, a calendar
24 year or whatever year it is, we're going to go through
25 turnover, we're going to go through the individuals

1 that, for whatever reason, they're not able to meet
2 their performance standards.

3 COMM. MICHALKA: When did we go onto
4 generalist investigators? Was that Fiscal Year 2006?

5 MR. GOMEZ: I believe so. That was when
6 we started going. And another thing to keep in mind,
7 Commissioners, is that the impetus for going into the
8 generalist plan was 99.9 percent based on the budget,
9 because the budget needed to be met. And so that was
10 basically the reason that we went into the generalist
11 plan.

12 Now that we have the opportunity to not
13 only meet the budget but also provide staff what staff
14 feels more comfortable with, as Alice just stated, in
15 working in one program or the other. And as I put in
16 my bulleted items, that allows us an opportunity to do
17 that now, which I think will increase the morale, the
18 positive morale in the staff.

19 It will enable them to concentrate on
20 one program and also allow us to achieve not only the
21 numbers as per the LBB but also the contract under
22 EEOC, contract number and, in turn, also meet our
23 fiscal responsibility as far as producing enough
24 revenue to meet our budget and hopefully, like I said
25 before, exceed the revenue that we need to sustain

1 ourselves and also to be able to provide staff with
2 merit or bonuses at the end of the fiscal year.

3 COMM. MICHALKA: And these are not going
4 to be the LBB numbers?

5 MR. GOMEZ: No. The LBB numbers are --

6 COMM. MICHALKA: Sure.

7 MR. GOMEZ: -- a totally different
8 number, a set of numbers.

9 COMM. MICHALKA: Just making sure.

10 MR. GOMEZ: Well, just to briefly share
11 that with you, I believe in the area of the closures
12 for employment and housing complaints, the actual LBB
13 numbers that we're submitting for Fiscal Year '09, we
14 decided on 1,350 -- 1,350 for '09, 1,400 for '10 and
15 '11. And that's -- like I say, you know, you've got
16 two different numbers going on. You've got the
17 utopian numbers where we project what fully staffed,
18 fully trained staff can produce, and then we have the
19 LBB numbers where: Okay. Given the turnover, the
20 churn, given the lack of productivity, for whatever
21 reason from certain investigators, we have to count
22 that in. So that's the difference in numbers, the
23 (inaudible) in numbers.

24 MS. Mac KENNA: I think another thing to
25 take into consideration in '04 and '05 and some of

1 '06, we only had three full-time investigators in
2 housing. We're increasing that to nine. So that
3 would --

4 COMM. MICHALKA: A lot.

5 MS. Mac KENNA: A lot, yes.

6 Are there any other questions?

7 COMM. MICHALKA: Thanks.

8 MS. Mac KENNA: If not, I'm going to
9 hand over to Tony Robertson, Manager for Training and
10 Monitoring.

11 AGENDA ITEM NO. 6

12 MR. ROBERTSON: Good morning,
13 Commissioners. For the record, Tony Robertson, Team
14 3, which consists of training and monitoring ADR and
15 special projects.

16 How are y'all doing? Good.

17 If you'll look at the current slide,
18 right now you're looking at third quarter data for ADR
19 which reflects the total number of case assigned --
20 that being 266 -- to our mediators. Cases returned to
21 investigation, we're looking at 186. The mediations
22 held, we've held 75 to date, or as of end of May.
23 No-fault settlements were 57. And cases closed up
24 through the third quarter were 81.

25 At present and as of May ending, the ADR

1 section has closed a total of 202 cases, which is 22
2 cases above the required quota that they're required
3 to close this year. They're required to close 180
4 cases for Fiscal Year '08. And I am quite proud of
5 them, that they're 22 over. And we're going to
6 continue to surpass that even further when we present
7 our fourth quarter numbers and end-of-year data to you
8 in our next Commissioners meeting.

9 Also the settlement amounts have
10 surpassed 1.2 million, which once again provides a
11 tremendous savings to the taxpayers of Texas and the
12 parties involved. In the next fiscal year, we look to
13 provide assistance, as was stated earlier, in
14 conciliating housing cases up front as the
15 investigators need our assistance in negotiating those
16 cases to conciliation.

17 Also within the next fiscal year, we
18 look to surpass our numbers with the mediators. I
19 want to once again go on the record and let you guys
20 know how very, very proud I am of these mediators.
21 They're rocking and rolling. They're doing their
22 thing, and they're assisting where needed. And once
23 again, it's that team effort that they bring to the
24 table. It just makes me proud to be a part of them
25 and to be a direct report for them, because they're

1 doing their jobs and they're doing it quite well, and
2 we're saving lots of money, once again, to the
3 taxpayers and the parties involved and the citizens of
4 Texas.

5 CHAIRMAN ANDERSON: Do they close -- do
6 they do investigations also? Obviously, they're
7 pretty busy now. But in the past, did the mediators
8 take on investigations and close them?

9 MR. ROBERTSON: No, sir.

10 CHAIRMAN ANDERSON: Maybe some of the
11 simpler ones?

12 MR. ROBERTSON: No, sir; no, sir. We
13 have to keep that firewall, once again, and they have
14 to keep that neutrality and impartialness that they
15 are as ADR specialists. But, no, sir, they do not
16 conduct or handle investigations.

17 MR. GOMEZ: Their numbers are included
18 in the total number of closers that are reported to
19 EEOC. Those are --

20 MR. ROBERTSON: Right.

21 MR. GOMEZ: -- closed the cases when
22 they go through mediation and are settled.

23 CHAIRMAN ANDERSON: Right.

24 MR. ROBERTSON: Are there any other
25 questions?

1 Next slide, please.

2 Third quarter data for EEO compliance
3 trainings reflect the total requested by agencies and
4 institutions of higher ed, which equals six. The
5 total requested by private employers as of May ending
6 is three. And out of those requests that we're
7 looking, a total of eight were based on the Texas
8 Labor Code, Chapter 21, Section 21.556.

9 Are there any questions in reference to
10 this slide?

11 CHAIRMAN ANDERSON: Got zero training
12 for Section 21.556?

13 MR. ROBERTSON: That is correct. At
14 this point in time, what we're dealing with is that we
15 have. As you know, with the new rule and the new
16 changes that have happened some two years back, we
17 always are going to have six to eight mandatory
18 training compliance under 21.556 that we don't add on
19 to here that come from three different agencies. They
20 just do it no matter whether they have merit or not.
21 They always give us that training. And so we depend
22 on them.

23 And I don't show those numbers, but I
24 show the individuals trained on those numbers.
25 They're not required to do it by mandatory statute,

1 but they just do it for us anyway. And that's every
2 year it has been that way. Those agencies, I can list
3 their names once again as TDCJ, Houston Community
4 College and UT M.D. Anderson.

5 Any other questions?

6 Thank you.

7 This slide, third quarter data,
8 indicates EEO and housing presentations which reflect
9 the total number of EEO presentations, being five, and
10 the total number of housing presentations was one.

11 Are there any questions on that?

12 If not, next slide, please.

13 Individuals at events. Third quarter
14 data for individuals at events reflect the total
15 number of individuals at EEO compliance trainings was
16 325 as of ending May. Total number of individuals at
17 EEO presentations, period, was 1,080.

18 Please keep in mind these totals
19 represent requests for attendance -- that's once again
20 exhibitors and speakers at various events around the
21 state, as well as working with Commissioner Lehman's
22 office.

23 The total number of individuals at
24 housing presentations was two. And, as you can see,
25 our housing presentations are quite low at this time.

1 This is due to the fact that we did not receive or
2 were awarded the SuperNOFA for last year, FY '07. And
3 at this time, you know, we're looking at -- we've
4 turned in the new SuperNOFA for FY '08 which will kick
5 itself off in '09. And our presentations and people
6 with individual presentations increased when we were
7 dealing the Katrina grants, the SuperNOFA that we
8 dealt with for the past two years.

9 So we were doing a lot of education and
10 outreach. We were getting out there and educating the
11 public and educating those deeply impacted and
12 directly impacted by the unfortune events that took
13 place those last two years.

14 With that said, a lot of that data has
15 been put out, a lot of the information is being
16 displaced out to the public, and those complaints have
17 come in and we're working those complaints today. So
18 we only have two, and those two are basically from a
19 housing complaint that one of the investigators have
20 turned over to us, and we've just conducted some
21 training and presentations for those individuals.

22 So we look to increase those individuals
23 at housing presentations within this next fiscal year.
24 Once again, Mr. Gomez said we are quite confident that
25 we'll get the SuperNOFA '08. I tend to agree with him

1 100 percent on that. And once again, that is where
2 you'll see our increase in our presentations and the
3 increase in individuals going out.

4 We do not associate that with the
5 itinerant worker, nor can we associate that with the
6 investigative stage or the investigative part that
7 they turn over to our shop. So David Trinidad, my
8 direct report, when he conducts his education and
9 outreach outside of the itinerant worker, then you
10 will see the increase in those individuals who have
11 invited us out and set up those contacts. And we're
12 presenting our exhibitors at certain functions that
13 they're holding as well.

14 CHAIRMAN ANDERSON: Well, EEOC won't
15 award us an award every year, will they? I mean,
16 don't they have to kind of spread it around? I mean,
17 there's a certain number of dollars. So we probably
18 should not expect -- I know there were comments
19 earlier this morning that we didn't receive the award.
20 But isn't it consistent with history that we're not
21 going to receive one every year, because they're going
22 to give one to Colorado or Louisiana or some other
23 place?

24 MR. GOMEZ: From EEOC, basically we do
25 not expect any additional project money or funding

1 because, frankly, they don't have any. There's only a
2 certain amount of funding that they receive for FEPAs,
3 and that's basically for enforcement, and that's how
4 they divvy up the pie.

5 In the housing area, it's competitive,
6 yes, sir. It's national and it's competitive. That's
7 why, when we received those other grants that we did.
8 Basically it also depends on what the focus or
9 emphasis is within HUD. If we submit a project that
10 is within their focus or emphasis during that
11 particular year in what they're doing, then they look
12 at that more kindly.

13 Also it depends on what information we
14 submit as far as substantiating information and
15 contacts that are made in the area. For example, in
16 the Midland/Odessa area, if we have made certain
17 contacts and commitments from partners out there, then
18 they look at that and place more weight on that.

19 So I feel confident in that area that we
20 will get that SuperNOFA, but it's competitive. And I
21 would not even venture to say if they're awarding
22 these SuperNOFAs based on who has and hasn't gotten it
23 before. The word that we've gotten is that it is
24 competitive and we try to compete as best as possible
25 to obtain those grants.

1 MR. ROBERTSON: And one other thing, if
2 I can add on to that, Chair Anderson. One of the key
3 things that we learn or lessons learned from our last
4 grant was, we had an opportunity to go through a
5 debriefing, as we explained to you-all in the last
6 quarterly meeting. And in that debriefing, we found
7 out where we missed the mark, so to speak, and this
8 year we made sure we didn't miss the mark.

9 We also added some items on there that
10 help us with additional points, and this is all based
11 on a point system as well. So we feel confident that
12 we did everything correct this time. We feel
13 confident that a decision will be made, and we like to
14 keep high hopes that this will happen for us.

15 We do a great job. We're an outstanding
16 FHIP and FHAP, and I believe that we can -- we've set
17 the precedence throughout the United States, in my
18 opinion, that others are following us in looking at
19 how we present our education and outreach as well as
20 some of our training activities that have been put out
21 there that the State of Texas is leading the way on.
22 So I just wanted to add that on -- that note on to
23 Mr. Gomez's comment as well.

24 Before I move on to the next slide, this
25 particular slide also, I want to reassure you or

1 assure you-all and give you assurances that this is an
2 LBB target for my shop, and I assure you that we will
3 meet the LBB target of 650 individuals trained in EEO.

4 Any questions?

5 Next slide, please.

6 The next slide indicates our policy
7 reviews. It shows that we've completed eight policy
8 reviews, and total policy reviews for May are 22.
9 Again, this measures an LBB measure. And let me
10 assure you that that measure will be met.

11 Finally, the last slide indicates our
12 firefighter reviews. As of ending May, we've
13 conducted 34 firefighter reviews and have provided all
14 the necessary technical assistance to those fire
15 chiefs and fire departments as needed. The LBB target
16 for this one is 55. And let me assure you that we'll
17 make that target as well.

18 In closing, I want to just go ahead and
19 reiterate some things that were said earlier in
20 reference to my outreach coordinator, Mr. David
21 Trinidad. Keep in mind, Mr. Trinidad came on board
22 and took -- I took over Special Projects in October --
23 September 1 of this year, of Fiscal Year '08.

24 Mr. Trinidad and I had an opportunity
25 and the great pleasure of working with Vickie in

1 transitioning with me taking over Special Projects and
2 closing out our last year's Katrina grant. With that,
3 that was an educational opportunity and a great
4 experience for both of us. But at the same time, we
5 also have to understand that the itinerant worker
6 schedule is a flexible schedule. We were scheduled to
7 do itinerant worker during that time frame, but we
8 have the flexibility to put those on hold while we
9 finish off those items that are most important to us,
10 like that grant. And we wanted to make sure that we
11 got everything taken care of on that.

12 With Mr. Trinidad being six months in on
13 the itinerant worker, let me assure you he is doing an
14 outstanding job. As his direct report, he, myself and
15 Mr. Gomez, we often meet just to see and strategize
16 how we're going to do our different approaches, and
17 which established the additional itinerant worker
18 locations.

19 So I want to commend him for a job well
20 done on that and to commend him to keep up the good
21 work. We enjoy going out to Tyler; we enjoy going out
22 to all the locations that we get to. And Longview is
23 definitely on our horizon and Athens and those other
24 cities in the East Texas area. We're also looking at
25 a possibility of running up towards Texarkana and that

1 area as well, and Mount Pleasant. So we want to keep
2 our options open in that.

3 I commend him once again for the job
4 that he is doing. He hit the ground running. There
5 was not so much a lot of training that we had to do,
6 because he came with the qualifications and, you know,
7 the performance evaluations that would help him
8 complete the job that he is doing today. So I just
9 want to give him an "attaboy" real quick and let him
10 know that he is doing a heck of a job for our agency
11 and definitely for my section and Mr. Gomez as a
12 whole.

13 The next thing I want to talk about is
14 when we go down for the Migrant Farmer Workers'
15 presentation in August, one of the key things that we
16 have been asked to do is also present to their staff.
17 And one of the things that we're going to present to
18 their staff, what they want education on or training
19 on, is our intake procedures for housing and for
20 employment.

21 We have created a training program for
22 them, approximately a two-hour training program that's
23 going to allow us to help them understand how that
24 process works and how that process is dealt with
25 through the intake process as well as through the

1 investigative stage, not only for employment but as
2 well for housing.

3 And finally, I want to leave you with --
4 I have an employee right now who is down in the South
5 Texas area, in Harlingen and Brownsville, from a
6 request that we got from Cameron Workforce Center to
7 present three six-hour trainings, EEO trainings for
8 their staff. And we're excited about that because
9 that comes from the continued letters that we put out,
10 the requests for trainings that I like to put out in
11 bulk, to let everyone know we still are out there.

12 Although you're not required to meet
13 that mandatory Chapter 21 training that is required
14 for state agencies and institutions of higher ed, you
15 still need to keep in touch and in tune with the
16 changes in the law that are happening in EEO as well
17 as in housing. I have two requests right now that are
18 coming from both shops, Team 1 and Team 2
19 investigators, which will allow me to train at least
20 150 people on or before the end of August. So we're
21 excited about that.

22 And I just want to say thank you to both
23 of those teams and thank you publicly to those two
24 investigators who are doing an outstanding job in the
25 investigative stage that they do. So with that, I

1 have nothing further. Are there any questions?

2 CHAIRMAN ANDERSON: Thanks, Tony.

3 The personnel policies and reviews --

4 MR. GOMEZ: Yes, sir.

5 CHAIRMAN ANDERSON: -- I think we've
6 discussed in the past -- and I know I mentioned it to
7 Robert, and I think I mentioned it to you -- we would
8 like to see these scheduled so that there is not a gap
9 after the start of the fiscal year when we don't have
10 anybody scheduled, so we're trying to scramble at the
11 end, the last two-thirds of the year, trying to get
12 all these reviews done. Let's go ahead and get them
13 scheduled so that we have them spaced throughout
14 September, October, November, et cetera, et cetera,
15 throughout the year.

16 MR. ROBERTSON: That is an action item
17 that has been completed. Absolutely, absolutely. I
18 was going to say, Chair, just to respond a little bit
19 further on that question. So that you know, we're
20 conducting three in September, three in October, three
21 in November.

22 COMM. MICHALKA: On the ADR report, I
23 noticed that on -- you're set to break the -- I don't
24 want to say break the record -- but beat Fiscal Year
25 2006 and 2007's numbers for mediation conferences

1 held, NFSs and cases closed. Did I read that right?

2 MR. ROBERTSON: Yes, ma'am; yes, ma'am.

3 COMM. MICHALKA: All right. Good job.

4 MR. ROBERTSON: Yes, ma'am. Absolutely.

5 MR. GOMEZ: Yes, Commissioner Michalka.

6 In line with all these numbers that we're presenting
7 here, I'm getting ready -- I was waiting for the final
8 numbers from Budget so I could give you the
9 appropriate cost per employment and housing complaint
10 result. That monthly performance measures report that
11 I send out on a monthly basis, I will send it out this
12 afternoon so you can have those numbers.

13 And basically, to answer your question
14 on there, just in regards to the mediation sessions,
15 as of the end of June, which we're looking at an
16 additional month that we're reporting here, on this
17 measures report that I'm getting read to send to you,
18 I have that year to date there have been 232 number of
19 mediation sessions conducted and completed by the ADR
20 section, which puts them at, when we're looking at the
21 target of 180 for that section, they're exceeding that
22 and they stand at 128.89 percent through the end of
23 June. And like I said, I was waiting for those
24 figures. And I believe, Becky, we got them in place
25 this morning. And so I will be sending out this

1 report this afternoon to you-all.

2 One more thing on the personnel policy
3 reviews conducted, we're getting ready also to attend
4 the performance briefing with the TWC Commissioners.
5 On that report, I do put the EOVs, the explanation of
6 variances. And regarding the personnel policies and
7 reviews conducted, aside from the fact that we've
8 already addressed that issue for this coming fiscal
9 year, our EOV for this year again includes information
10 regarding the process that it takes to conduct these
11 reviews, because if we look at the two numbers that
12 I'm getting ready to send out to you, we look at the
13 policy reviews conducted and approved, we have done 22
14 or completed 22 for a year to date, which gives us
15 70.97, where we are not reaching the goal for this
16 point in time of the year of 83.33 percent.

17 But if you look under the management
18 performance measures on the policy reviews that we
19 have initiated, conducted and are pending approval,
20 then we've completed 25 of those, and we are meeting
21 the 83.33 percent within the variance. That gives us
22 an 80.66 percent.

23 Simply stated, what these policy reviews
24 entail is a process. We have to notify the agency or
25 institution of higher learning, we have to prepare for

1 the on-site, we have to conduct the on-site, we have
2 to come back and conduct and prepare the report, send
3 a report out. And if there's any corrective action
4 that needs to be taken, that also is taken into
5 consideration. So that's part of our EOV in comparing
6 the numbers of conducted and approved versus
7 initiated, conducting and pending approval. And
8 you'll see this in the report, but it is a process.

9 CHAIRMAN ANDERSON: I don't remember if
10 you put it on there, but included in the EOV
11 explanation on our monthly report for -- I don't know
12 whether it goes anything else other than us, but I
13 would like to see it. So just include that in the
14 notes section.

15 MR. GOMEZ: I can send you the EOV for
16 the target measures that we're not meeting, because
17 that's basically what we are instructed to provide to
18 the TWC Commissioners. And I will include those, yes,
19 sir.

20 CHAIRMAN ANDERSON: Okay. I think all
21 of the Commissioners would like to see those.

22 MR. GOMEZ: And I'll even color-code
23 them for you.

24 CHAIRMAN ANDERSON: Okay.

25 MR. ROBERTSON: If there is nothing

1 else, I will turn it back over to Mr. Gomez.

2 COMM. MICHALKA: Thank you.

3 MR. ROBERTSON: Thank you.

4 MR. GOMEZ: Chair Anderson and
5 Commissioners, I have no further information to
6 present regarding this past quarter's performance of
7 the Civil Rights Division. I am again looking forward
8 to a new fiscal year. And now having your approval on
9 that specialized plan, we can go forward. I mentioned
10 the fact that we are meeting with the staff tomorrow
11 to share this information, and I am looking forward to
12 their acceptance and their positive acceptance of the
13 new plan, looking forward to hiring the additional
14 FTEs, including the vacancy that we have. It should
15 give us a total of three new FTEs for September. And
16 I look forward also to coming back before you at our
17 next meeting and giving you the final numbers for this
18 fiscal year.

19 And with that, if there's any further
20 questions or comments, I'll take them at this time.

21 CHAIRMAN ANDERSON: Yes. I would like
22 Becky to list the action items, add one more. I would
23 like for you and/or Mr. Moore to talk with the
24 Commissioners individually when that is ready to
25 proceed, you know, in accordance with that e-mail. So

1 when that report is ready, if you would give each one
2 of the Commissioners a call and talk with them, I
3 would appreciate it. I think they would all like to
4 have the information.

5 MR. GOMEZ: Yes, sir. I will coordinate
6 with John Moore and we will certainly do that.

7 COMM. KHALIFA: Not e-mail. Call.

8 MR. GOMEZ: We will call you, yes, sir.

9 CHAIRMAN ANDERSON: Becky, do you want
10 to go ahead with the action items?

11 MS. SMITH: Okay. Commissioner Anwar
12 would like to -- let's see -- suggested that we attend
13 meetings that might be taking place in the outreach
14 areas when CRD is there, also possibly meeting with
15 the Chamber of Commerce.

16 We're going to update the information in
17 2009 on the outreach efforts and whether or not we
18 will continue the efforts in those particular areas.

19 Commissioner Khalifa inquired if David
20 Trinidad could go into the Longview or Athens area to
21 do expanded presence.

22 Chair Anderson would like to find out if
23 it's feasible and would it be effective to have one or
24 two of the team members that would be able to do
25 generalists investigations.

1 We're going to do a follow-up on looking
2 at the potential possibility of hiring an Investigator
3 6 that would do both housing and employment
4 investigation.

5 Commissioner Wipf made the motion to
6 support the plan for specialists, and it was approved.

7 Commissioner James would like to know
8 what the turnover rate is for CRD and the methodology
9 used, which will be sent to him and other
10 Commissioners via e-mail. And we are going to include
11 the explanation of variances on the monthly reports
12 that are sent out for those measures that are not
13 being met.

14 And Chair Anderson requested that
15 Mr. Gomez talk individually with the Commissioners
16 regarding the monthly report, and this would be done
17 via telephone.

18 CHAIRMAN ANDERSON: Now, the HUD report
19 and --

20 COMM. JAMES: The FHAP's review.

21 CHAIRMAN ANDERSON: Yes. Just the EO
22 was just on the monthly report.

23 AGENDA ITEM NO. 10

24 CHAIRMAN ANDERSON: The next meeting is
25 October 15, 2008. And for 2009, the --

1 COMM. KHALIFA: Can we make that at
2 10:00 in the morning?

3 CHAIRMAN ANDERSON: We could do it any
4 time that the group -- Othe Commissioners want to do
5 it.

6 COMM. KHALIFA: That's what I'm asking.

7 CHAIRMAN ANDERSON: Well, let me get
8 through this first.

9 In 2009, we're going to have meetings in
10 January, April, July and October again. Does that
11 meet with everybody's approval?

12 COMM. JAMES: Yes.

13 COMM. WIPF: Yes.

14 CHAIRMAN ANDERSON: Okay. Right now I
15 think it's the third Wednesday. So if there is any
16 variance on that, when we have our meeting on October,
17 please come with your schedules so that we can
18 reconcile any of the dates.

19 And Commissioner Khalifa has a request.

20 COMM. KHALIFA: Could we meet at 10:00
21 in the morning, because I don't want to spend the
22 night. I'll save money for our --

23 COMM. WIPF: How about 9:30? I need to
24 catch a plane, and I don't want to spend two nights
25 here either.

1 COMM. KHALIFA: Let's do it at
2 9 o'clock.

3 CHAIRMAN ANDERSON: Are you driving
4 still?

5 COMM. KHALIFA: Yes.

6 CHAIRMAN ANDERSON: Well, we can talk
7 about it at the October meeting.

8 COMM. KHALIFA: Okay.

9 CHAIRMAN ANDERSON: But we do need to
10 set the schedule up for 2009. And right now, it's
11 tentatively January, April, July, October, tentatively
12 the third Wednesday. That's been what we've done, and
13 we'll talk about the dates for sure in October and
14 also the time.

15 So if there is anything else that the
16 Commissioners would like to discuss?

17 AGENDA ITEM NO. 9

18 CHAIRMAN ANDERSON: Okay. We're going
19 to go into executive session now. We would like to
20 invite Ms. Holt. Nancy, are you going to participate
21 also? Who is going to be coming in?

22 Mr. Gomez, if you could stick around.

23 We are going into executive session
24 pursuant to Government Code §551.074(a)(1) to
25 discuss the appointment, employment, evaluation,

1 reassignment, duties, accomplishments, performance,
2 goals and responsibilities of the Texas Workforce
3 Commission Civil Rights Division Director.

4 Additionally, we are going into
5 executive session pursuant to Government
6 Code §551.071(1) and (2) concerning contemplated
7 litigation or pending litigation of the following
8 cases:

9 Texas Workforce Commission, Civil Rights
10 Division, versus Henry Carter, et al;

11 Texas Workforce Commission, Civil Rights
12 Division, versus Sugar Land/Fort Bend Real Estate,
13 Inc., d/b/a RE/MAX Southwest; and

14 Agenda Item No. 9(c) where the
15 Commissioners seek the advice of their attorney as
16 privileged communications under the Texas Disciplinary
17 Rules of Professional Conduct of the State Bar of
18 Texas.

19 And, thus, the Commission on Human
20 Rights is now in closed session on January 16, 2008,
21 and the time is now 11:19.

22 (Recess: 11:19 a.m. to 11:53 a.m.)

23 CHAIRMAN ANDERSON: It's 11:53. We're
24 back in open session.

25 The TWC Commissioners met from 11:19 to

1 11:53, and there was no action. There is no action to
2 be taken.

3 AGENDA ITEM NO. 11

4 CHAIRMAN ANDERSON: Do I have a motion
5 to close?

6 COMM. KHALIFA: So move.

7 CHAIRMAN ANDERSON: Second?

8 COMM. WIPF: Second.

9 CHAIRMAN ANDERSON: This session of the
10 Commission on Human Rights is closed, and we will see
11 everyone in October. Thank you very much.

12 (Meeting closed: 11:53 a.m.)

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

2 STATE OF TEXAS)

3 COUNTY OF TRAVIS)

4 I, Aloma J. Kennedy, a Certified
5 Shorthand Reporter in and for the State of Texas, do
6 hereby certify that the above-mentioned matter
7 occurred as hereinbefore set out.

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

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and seal this 21st day of July 2008.

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Aloma J. Kennedy
Certified Shorthand Reporter
CSR No. 494 - Expires 12/31/08

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