

**FY 2007**

**COMMISSION ON HUMAN RIGHTS  
ANNUAL REPORT**



PERIODS COVERED

SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007  
*(FISCAL YEAR 2007)*

PREPARED BY

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JANUARY 2008

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## **Commission on Human Rights**

January 16, 2008

The Honorable Rick Perry  
Governor of the State of Texas  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711-2428

### **SUBJECT: FY 2007 Commission on Human Rights Annual Report**

Dear Governor Perry:

Enclosed is the Fiscal Year (FY) 2007 Commission on Human Rights Annual Report prepared by the Texas Workforce Commission's Civil Rights Division.

This report has been prepared to fulfill the reporting requirements of Texas Labor Code § 21.504 (State Agency Minority Hiring Practices Report) and provides information by prescribed categories on the total number and composition of the statewide agency new hires for state agencies and institutions of higher education and the statewide agency workforce. This report also fulfills the reporting requirements of Texas Labor Code § 301.156 and provides statewide data relating to employment and housing discrimination cases filed and closed.

We hope that you find the Report valuable, and please do not hesitate to contact us should you have any questions regarding the Report.

Sincerely,

Thomas Anderson, JD, SPHR  
Chairman  
Commissioner for Industry

Anwar A. Khalifa  
Commissioner for the Public

Jose E. de Santiago  
Commissioner for the Public

Shara Michalka  
Commissioner for the Public

John H. James  
Commissioner for the Public

Nila T. Wipf  
Commissioner for Labor

STATE AGENCY MINORITY HIRING PRACTICES REPORT  
COVERING  
STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION AND  
STATEWIDE DATA RELATING TO EMPLOYMENT & HOUSING DISCRIMINATION CASES  
FILED AND CLOSED

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## I. Purpose

The purpose of the Commission on Human Rights Annual Report is to fulfill the requirements of Texas Labor Code § 301.153 to govern the enforcement actions and to supervise the director of the Texas Workforce Commission Civil Rights Division (CRD). Texas Labor Code § 21.003(a)(6) requires CRD to submit an annual report. This report provides information to the Governor, the Legislature, and the Legislative Budget Board in compliance with Texas Labor Code § 21.504 and Texas Labor Code § 301.156 and combines the following reporting statutory requirements:

- Texas Labor Code § 21.504 requires an Annual Report to the Governor and Legislative Budget Board regarding the total number of African Americans, Hispanic Americans, females, and other persons hired for each job category by state agencies and institutions of higher education during the preceding state fiscal year. The Division shall compile this information and submit a report to the Governor and the Legislative Budget Board. This report covers all state agencies and institutions of higher education included in the General Appropriations Act, except junior colleges.
- Texas Labor Code § 301.156 requires an Annual Report to the Governor and Legislature regarding complaint data for CRD, the Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and local commissions in Texas. The CRD is required to:
  - analyze employment complaints by basis for the complaint including discrimination based on sex, race, color, age, disability, national origin, religion, genetic information, and retaliation;
  - analyze housing complaints by basis for the complaint including discrimination based on sex, race, color, disability, national origin, religion, and familial status;
  - analyze employment complaints filed by issue, including discharge, terms and conditions, sexual harassment, promotion, hiring, demotion, and layoff;
  - analyze housing complaints filed by issue, including terms and conditions, refusal to rent or sell, discriminatory financing or advertising, and false representation; and
  - analyze employment and housing cases closed by the reason for closure, including findings or determinations of cause or no cause, successful conciliation, right to sue issued, complaint withdrawn after resolution, no-fault settlement, failure to cooperate by the complainant, and lack of jurisdiction.
  - Report the average processing time for complaints resolved by the CRD in each state fiscal year, regardless of whether the complaint was filed in the same fiscal year.

## **II. Methodology**

### **State Agency Minority Hiring Practices Report per Texas Labor Code § 21.504:**

The data used to report the total number of African Americans, Hispanic Americans, females and other persons hired for each job category by the agency for the previous fiscal year, was extrapolated from the Comptroller of Public Accounts, Human Resources Information System. The Comptroller of Public Accounts in conjunction with the Texas Workforce Commission Civil Rights Division developed a computerized program for transmission of data. The data in this report covers fiscal year 2007.

### **Analysis of Statewide Employment Complaints Filed by Basis and Issue:**

The US Equal Employment Opportunity Commission (EEOC) provided statewide (combined CRD, EEOC, and local commissions) employment complaints filed data for September 1, 2006 through August 31, 2007. Using the data from EEOC, the CRD analyzed employment complaints filed by the basis of the complaint, including sex, race, color, age, disability, national origin, religion, retaliation, and genetic information by converting the totals for each category into percentages. The CRD also analyzed employment complaints filed by issue, including discharge, terms and conditions, sexual harassment, promotion, hiring, demotion, layoff, wages, reasonable accommodation, benefits, discipline, harassment, and language/accents by converting the totals in each category to percentages. The CRD then compared the complaints filed with the CRD with those filed statewide by issue and basis of the complaint.

### **Analysis of Statewide Employment Cases Closed by Type:**

The US Equal Employment Opportunity Commission provided statewide (combined CRD, EEOC, and local commissions) employment cases closed data for September 1, 2006 through August 31, 2007. The CRD analyzed employment cases closed by the reason for closure, including findings or determinations of cause or no cause, successful conciliation, right to sue issued, complaint withdrawn after resolution, no-fault settlement, failure to cooperate by the complainant, lack of jurisdiction, failure to locate, and charging party withdrawal by converting the totals to percentages. The CRD compared reasons for employment case closures filed with the CRD with reasons for statewide case closures.

### **Average Processing Time for Employment Complaints Resolved:**

The CRD extracted the average processing time for employment cases closed from the CRD's Charge Data Processing System.

### **Analysis of Statewide Housing Complaints Filed by Basis and Issue:**

The US Housing and Urban Development (HUD) provided statewide (combined CRD, and local commissions) housing complaints filed data for September 1, 2006 through August 31, 2007. Using the data from HUD, the CRD analyzed complaints filed by the basis of the complaint, including sex, race, color,

disability, national origin, religion, and familial status by converting the totals to percentages. The CRD also analyzed housing complaints filed by issue, including terms and conditions, refusal to rent or sell, discriminatory financing or advertising, and false representation. The CRD compared housing complaints filed with the CRD by basis and issue with the complaints filed statewide by basis and issue.

#### **Analysis of Statewide Housing Cases Closed by Type:**

The US Housing and Urban Development provided statewide (combined CRD, and local commissions) housing cases closed data for September 1, 2006 through August 31, 2007. Using data provided by HUD, the CRD analyzed housing cases closed by the reason the case was closed. The CRD also included these determining factors in the report, findings or determinations of cause or no cause, successful conciliation, complaint withdrawn after resolution, no-fault settlement, failure to cooperate by the complainant, and lack of jurisdiction, failure to locate, and complainant withdrawal by converting the totals to percentages. The analysis compared housing cases closed by CRD with cases closed statewide by reason for closure.

#### **Average Processing Time for Housing Complaints Resolved:**

The CRD extracted the average processing time for housing complaints from the HUD's Title Eight Automated Paperless Office Tracking System.

### **III. Results and Observations**

#### **State Agency Minority Hiring Practices Report per Texas Labor Code § 21.504:**

The first column of the format identifies the job categories by code. The second column is the actual job categories. The third column represents the total number of new hires. The fourth column represents the total number of African American new hires. The fifth column represents the total number of Hispanic American new hires. The sixth column represents the total number of female new hires. The last column represents all those others who were not counted as African Americans or Hispanic Americans.

Heads of state agencies and institutions of higher education should use the information in this report in conjunction with their own analyses of their current workforce (per Texas Labor Code § 21.501) to develop a recruitment plan that addresses any underutilization in identified job categories (per Texas Labor Code § 21.502).

#### **Employment and Housing Discrimination Complaints Report per Texas Labor Code § 301.156:**

Employment complaint data by basis for CRD and statewide are located in Chart 1 and Table 1. The employment complaints filed by basis with the CRD and statewide during FY 2007 (Fiscal Year) were based on Sex, 23 percent for CRD, 32 percent for EEOC and Race, 17 percent for CRD, 34 percent statewide. Other complaints filed by basis in significant numbers include disability (12 percent with CRD and 19 percent statewide), Age (18 percent with CRD and 22 percent statewide, and Retaliation (18 percent with CRD and 34 percent statewide).

Employment complaint data by issue for CRD and statewide are located in Chart 2 and Table 2. The employment complaints filed by issue with the CRD and statewide during FY 2007 consisted of discharge, 42 percent for CRD and 55 percent statewide. Other issues in significant numbers include terms and conditions (10 percent with CRD and 22 percent statewide), sexual harassment (11 percent with CRD and 11 percent statewide) and harassment (9 percent with CRD and 20 percent statewide).

CRD and statewide employment case closure data is located in Chart 3 and Table 3. The employment cases closed statewide and with the CRD were closed with no cause findings, 73 percent for CRD and 63 percent statewide. However, 15 percent closed with CRD and 24 percent closed statewide were closed with merit resolutions. Employment merit resolutions are defined as cases with outcomes favorable to charging parties and/or charges with meritorious allegations. These include cause findings, successful conciliations, withdrawals with settlement, and no fault settlement agreements.

The average processing time for employment complaints resolved by the CRD was 101 days.

CRD and statewide housing complaint data by basis of complaint is located in Chart 4 and Table 4. The housing complaints filed by basis with the CRD and statewide during FY 2007 were based on race, 32 percent filed with CRD and 38 percent filed statewide. Other complaints filed in significant numbers include disability (34.7 percent with CRD and 40.2 percent statewide) and national origin (13.5 percent with CRD and 12.4 percent statewide).

CRD and statewide housing complaint data by issue is located in Chart 5 and Table 5. The issues filed with CRD and statewide consisted of Terms and Conditions, 52.4 percent for CRD and 40.2 percent statewide. Other issues in significant numbers include refusal to rent (18.4 percent with CRD and 18.2 percent statewide) and Reasonable Accommodation, 10.3 percent for CRD and 14 percent statewide).

CRD and statewide housing case closure data is located in Chart 6 and Table 6. The housing cases closed statewide and with CRD were closed with no cause findings, 52.1 percent with the CRD and 50.4 percent statewide. However, 12.7 percent with CRD and 28.5 percent statewide were closed with merit resolutions. Merit resolutions are defined as cases with outcomes favorable to charging parties and/or charges with meritorious allegations. Housing merit resolutions include cause findings, successful conciliations, and withdrawals with settlement.

The average processing time for housing complaints resolved by the CRD was 241 days.

The number of merit resolutions in employment discrimination cases indicates that Texans are still experiencing employment discrimination and that there is still work to be done. The CRD will continue its employment enforcement efforts and will continue to reach out to employee communities, business communities, and other stakeholders by conducting education and outreach activities. The CRD's education and outreach for FY2008 will include special focus on prevention of employment discrimination based on sex, age, race, and retaliation and in the areas of discharge, terms and conditions, and harassment issues.

Individuals continue to experience housing discrimination. The CRD will continue its enforcement efforts and will continue to reach out to housing consumers, housing providers, and other housing stakeholders. Special emphasis will be placed on prevention of housing discrimination based on race and disability and in the areas of terms and conditions, non-compliance with design and construction, refusal to rent issues, and reasonable accommodations.

### **Acknowledgments**

The Texas Workforce Commission's Civil Rights Division would like to thank the Office of the Comptroller, Human Resource Information System (HRIS) for their assistance and cooperation in the preparation of this report.

**ATTACHMENT**

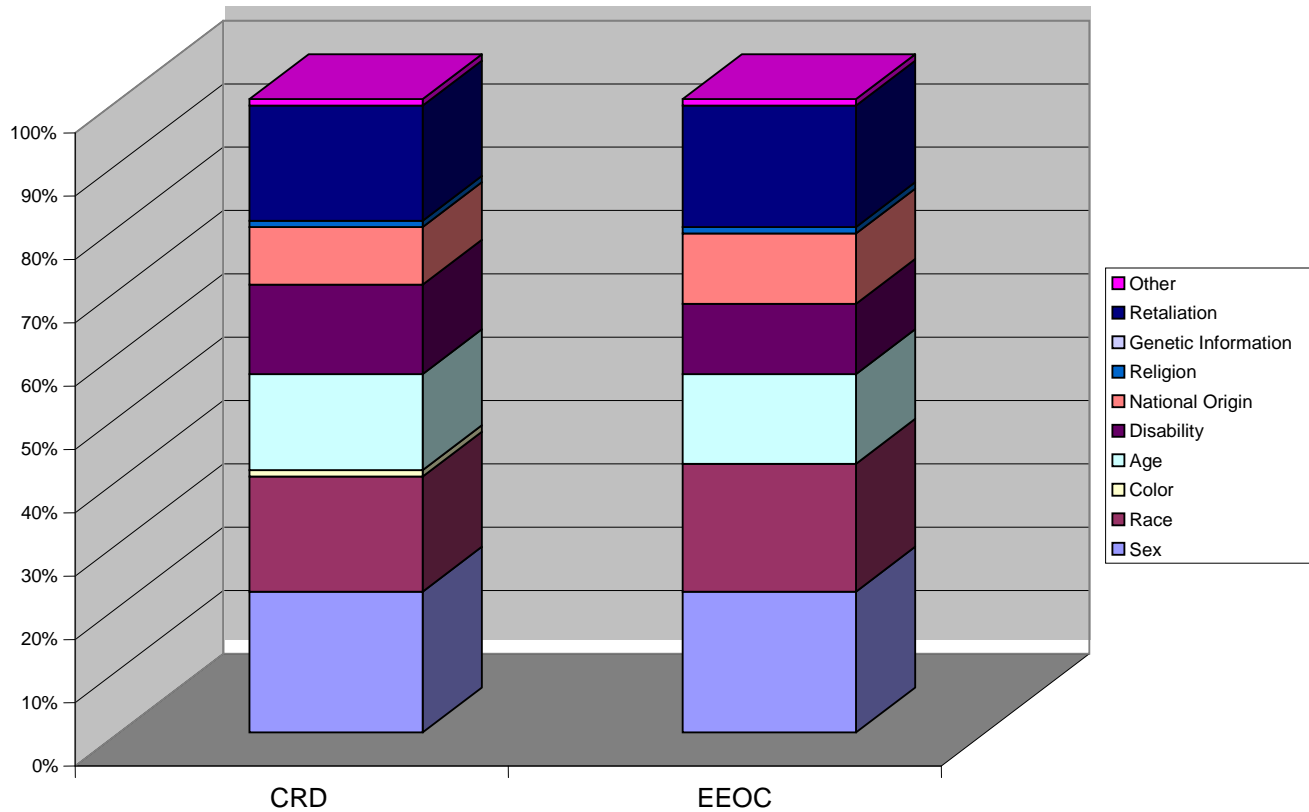
STATE OF TEXAS  
 STATEWIDE REPORTING GROUP  
 ANNUAL REPORT - STATEWIDE NEW HIRE/WORKFORCE SUMMARY  
 FINAL  
 FOR 09/01/2006 THROUGH 08/31/2007

----- STATEWIDE AGENCY NEW HIRES -----						
CODE	JOB CATEGORY	TOTAL NUMBER OF NEW HIRES	TOTAL NUMBER OF AFRICAN AMERICANS	TOTAL NUMBER OF HISPANIC AMERICANS	TOTAL NUMBER OF FEMALES	TOTAL NUMBER OF OTHERS
0A	OFFICIALS/ADMINISTRATORS	1091	89	142	552	437
0C	ADMINISTRATIVE SUPPORT	7647	1501	2022	6531	607
0M	SERVICE/MAINTENANCE	7128	2465	1939	4032	1334
0P	PROFESSIONALS	23252	2345	3090	12788	8403
0Q	PARA-PROFESSIONAL	1868	353	625	1246	335
0S	SKILLED/CRAFT	1108	94	240	56	734
0T	TECHNICIANS	5772	784	1010	3142	1951
0R	PROTECTIVE SERVICES	9945	3460	1902	5501	2354
0	TOTALS	57811	11091	10970	33848	16155

----- STATEWIDE AGENCY WORKFORCE -----						
CODE	JOB CATEGORY	TOTAL NUMBER OF EMPLOYEES	TOTAL NUMBER OF AFRICAN AMERICANS	TOTAL NUMBER OF HISPANIC AMERICANS	TOTAL NUMBER OF FEMALES	TOTAL NUMBER OF OTHERS
0A	OFFICIALS/ADMINISTRATORS	14321	1262	1797	6952	5931
0C	ADMINISTRATIVE SUPPORT	41304	7844	11083	36386	2701
0M	SERVICE/MAINTENANCE	27067	8847	8150	14608	5301
0P	PROFESSIONALS	143554	15683	20882	78183	51936
0Q	PARA-PROFESSIONAL	11082	2180	3186	8605	1384
0S	SKILLED/CRAFT	11221	963	2659	510	7289
0T	TECHNICIANS	31095	4668	6151	15927	10721
0R	PROTECTIVE SERVICES	47645	14589	9636	21089	14693
0	TOTALS	327289	56036	63544	182260	99956

## **CHARTS/TABLES**

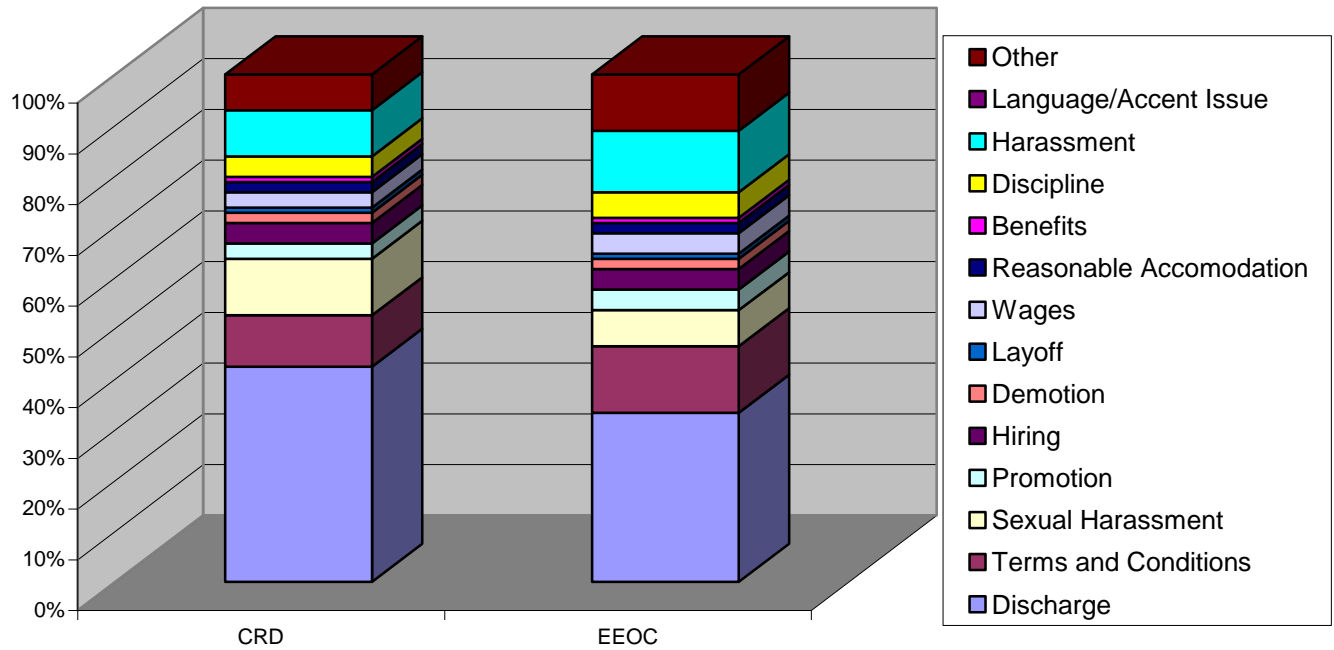
**Chart 1. Statistical Analysis of CRD and Statewide Employment Complaints Filed By Basis**



**Table 1. CRD and Statewide Employment Complaints Filed**

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	360	23.0%	Sex	2,580	32.0%
Race	259	17.0%	Race	2,783	34.0%
Color	14	1.0%	Color	109	1.0%
Age	279	18.0%	Age	1,764	22.0%
Disability	187	12.0%	Disability	1,525	19.0%
National Origin	138	9.0%	National Origin	1,163	15.0%
Religion	28	2.0%	Religion	232	3.0%
Genetic Information	0	0.0%	Genetic Information	0	0.0%
Retaliation	276	18.0%	Retaliation	2,687	34.0%
Other	17	1.0%	Other	113	1.0%
<b>TOTAL</b>	<b>1,558</b>	<b>100%</b>	<b>TOTAL</b>	<b>12,956</b>	<b>100%</b>

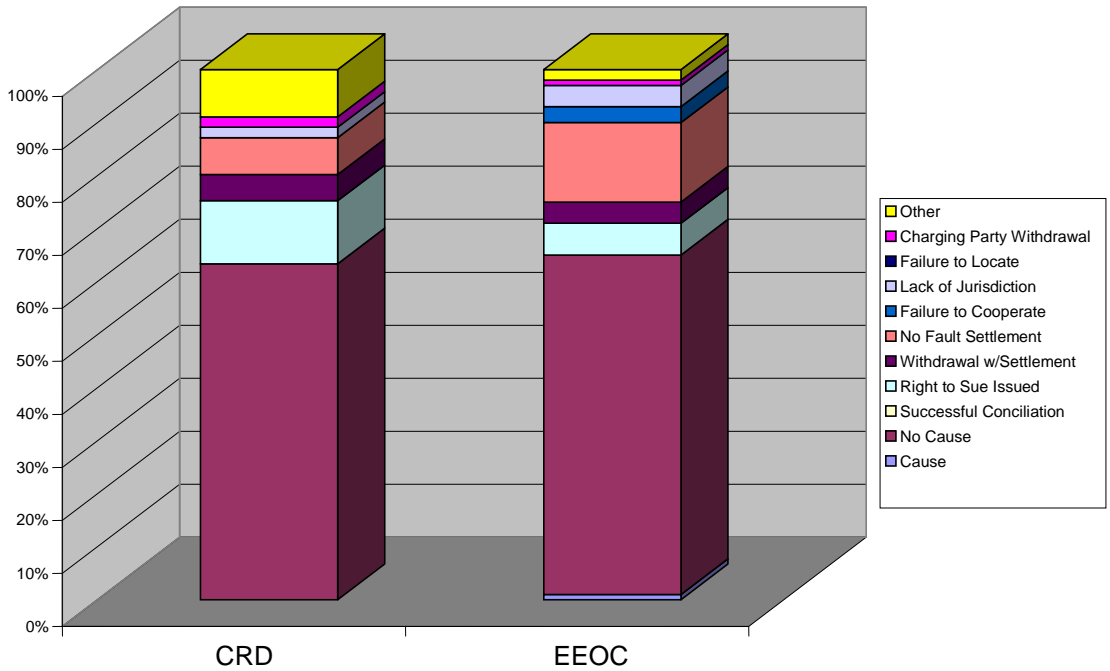
**Chart 2. Statistical Analysis of Employment Complaints Filed By Issue**



**Table 2. CRD and Statewide Employment Complaints Filed**

CRD			EEOC		
ISSUES	TOTAL	PERCENTAGE	ISSUES	TOTAL	PERCENTAGE
Discharge	559	42%	Discharge	4,457	55%
Terms and Conditions	130	10%	Terms and Conditions	1,764	22%
Sexual Harassment	141	11%	Sexual Harassment	921	11%
Promotion	45	3%	Promotion	520	6%
Hiring	54	4%	Hiring	487	6%
Demotion	33	2%	Demotion	255	3%
Layoff	13	1%	Layoff	166	2%
Wages	40	3%	Wages	499	6%
Reasonable Accommodation	31	2%	Reasonable Accommodation	315	3%
Benefits	9	1%	Benefits	120	1%
Discipline	49	4%	Discipline	700	8%
Harassment	119	9%	Harassment	1650	20%
Language/Accent Issue	0	0%	Language/Accent Issue	21	.3%
Other	97	7%	Other	1,529	19%
<b>TOTAL</b>	<b>1,320</b>	<b>100%</b>	<b>TOTAL</b>	<b>13,404</b>	<b>100%</b>

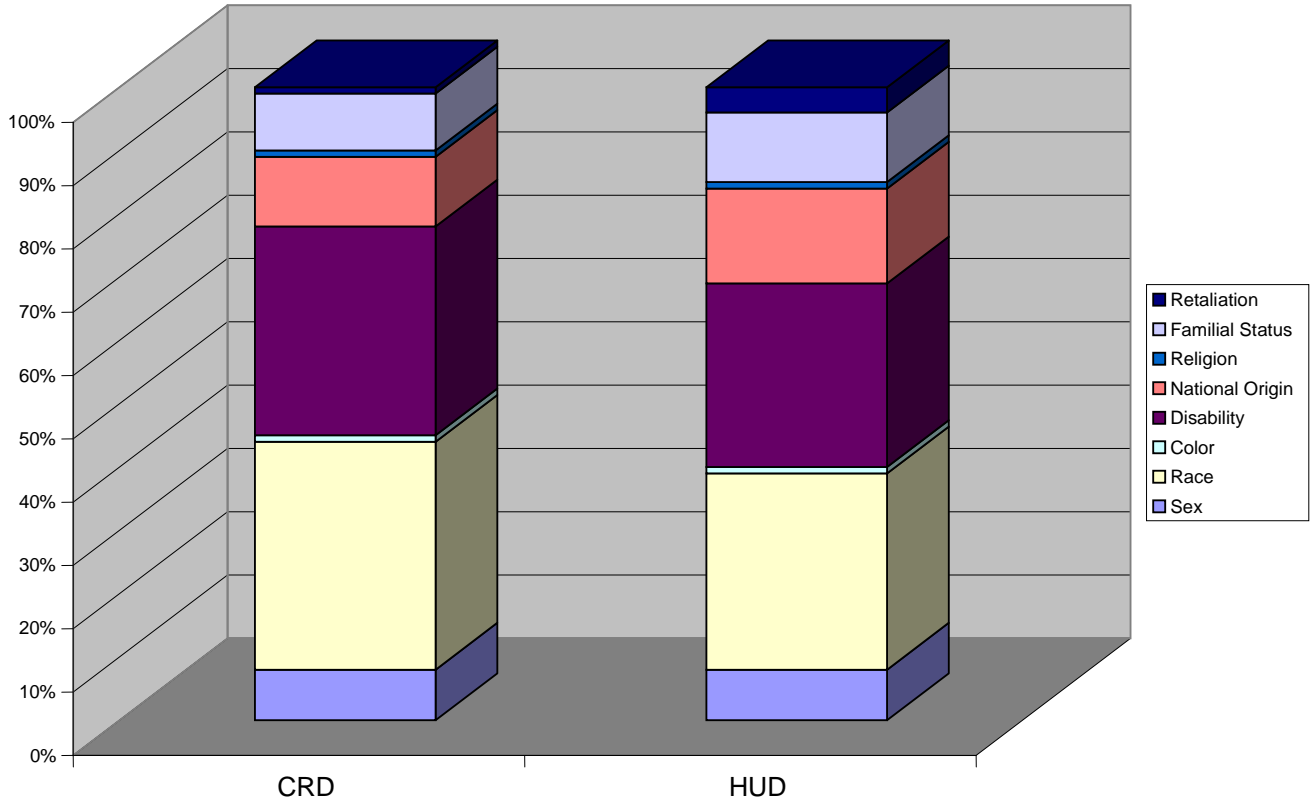
**Chart 3. Statistical Analysis of CRD and Statewide Employment Cases Closed By Type of Closure**



**Table 3. CRD and Statewide Employment Closures**

CRD			EEOC		
CLOSURE TYPE	TOTAL	PERCENTAGE	CLOSURE TYPE	TOTAL	PERCENTAGE
Cause	0	0%	Cause	335	4%
No Cause	929	73%	No Cause	4,988	63%
Successful Conciliation	0	0%	Successful Conciliation	155	2%
Right to Sue Issued	55	4%	Right to Sue Issued	476	6%
Withdrawal w/Settlement	128	10%	Withdrawal w/Settlement	321	4%
No Fault Settlement	60	5%	No Fault Settlement	1,109	14%
Failure to Cooperate	2	0%	Failure to Cooperate	64	.8%
Lack of Jurisdiction	16	1%	Lack of Jurisdiction	248	3%
Failure To Locate	2	0%	Failure to Locate	9	.1%
Charging Party Withdrawal	4	0%	Charging Party Withdrawal	83	1%
Other	82	6%	Other	209	2%
<b>TOTAL</b>	<b>1,278</b>	<b>100%</b>	<b>TOTAL</b>	<b>7,842</b>	<b>100%</b>

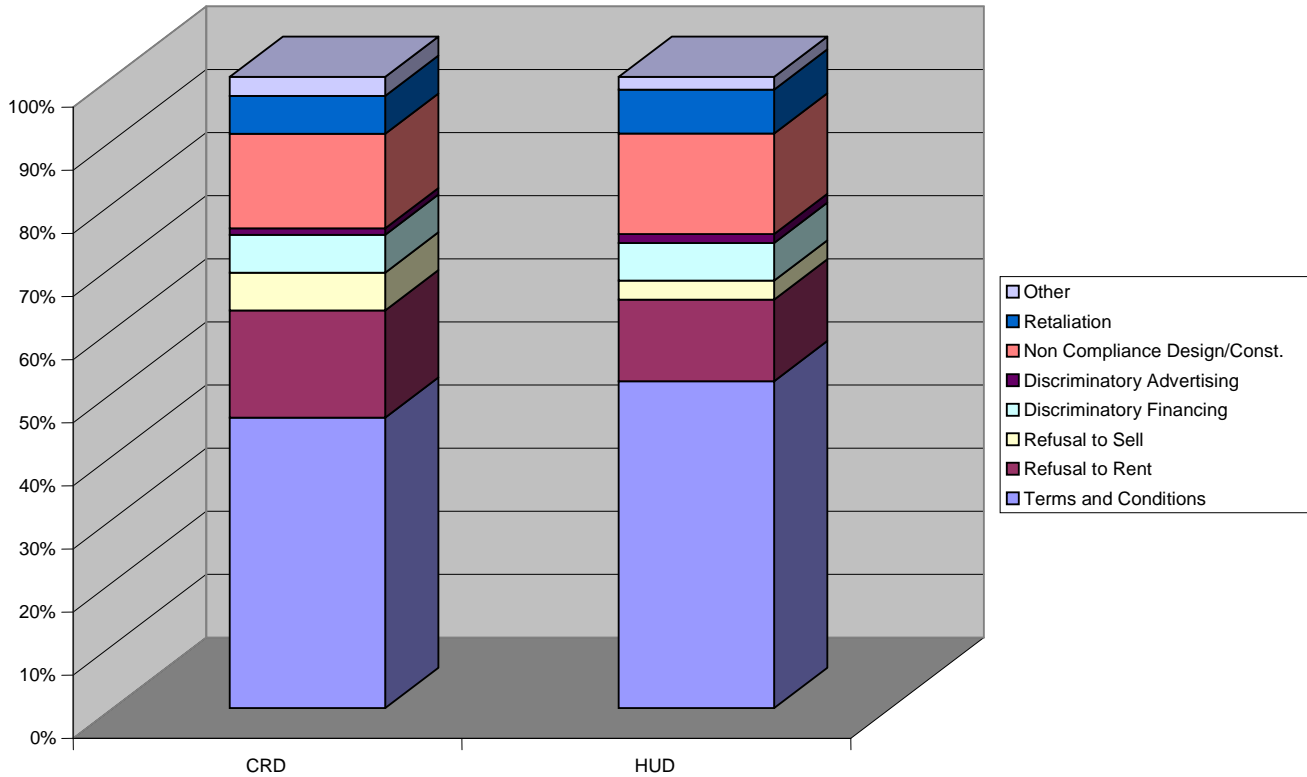
**Chart 4. Statistical Analysis of CRD and Statewide Housing Complaints Filed By Basis**



**Table 4. CRD and Statewide Housing Complaints Filed**

CRD			HUD		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	22	7.3%	Sex	33	2.1%
Race	98	32.3%	Race	605	38.3%
Color	2	0.7%	Color	0	0%
Disability	105	34.7%	Disability	634	40.2%
National Origin	41	13.5%	National Origin	196	12.4%
Religion	17	5.6%	Religion	17	1.1%
Familial Status	15	5.0%	Familial Status	80	5.1%
Retaliation	3	1%	Retaliation	14	0.9%
<b>TOTAL</b>	<b>303</b>	<b>100%</b>	<b>Total</b>	<b>1579</b>	<b>100%</b>

**Chart 5. Statistical Analysis of CRD and Statewide Housing Complaints Filed By Issue**

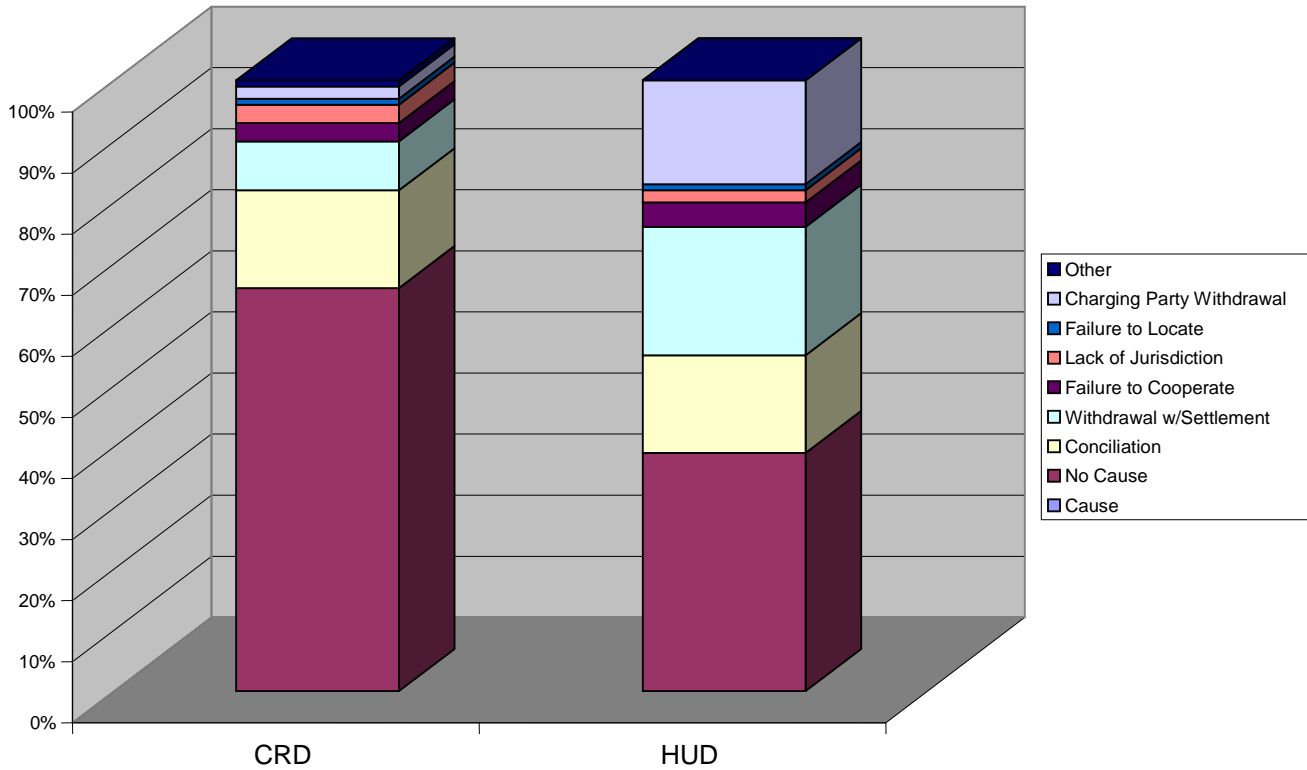


**Table 5. CRD and Statewide Housing Complaints Filed**

CRD			HUD		
ISSUES	TOTAL	PERCENTAGE	ISSUES	TOTAL	PERCENTAGE
Terms and Conditions	188	52.4%	Terms And conditions	703	40.2%
Refusal to Rent	66	18.4%	Refusal to Rent	319	18.2%
Refusal to Sell	5	1.4%	Refusal to Sell	122	7.0%
Discriminatory Financing	4	1.1%	Discriminatory Financing	60	3.4%
Discriminatory Advertising*	4	1.1%	Discriminatory Advertising*	18	1.0%
Non Compliance Design/Construction	25	7.0%	Non Compliance Design/Construction	41	2.3%
Retaliation	19	5.3%	Retaliation	180	10.3%
Reasonable Accommodation	37	10.3%	Reasonable Accommodation	245	14.0%
Other	11	3.1%	Other	61	3.5%
<b>TOTAL</b>	<b>359</b>	<b>100%</b>	<b>TOTAL</b>	<b>1749</b>	<b>100%</b>

\*False Advertising is included in the Discriminatory advertising category.

**Chart 6. Statistical Analysis of CRD and Statewide Housing Cases Closed By Type of Closure**



**Table 6. CRD and Statewide Housing Closures**

CRD			HUD		
CLOSURE TYPE	TOTAL	PERCENTAGE	CLOSURE TYPE	TOTAL	PERCENTAGE
Cause	0	0%	Cause	0	0%
No Cause	160	52.1	No Cause	966	50.4%
Successful Conciliation*	24	7.8	Successful Conciliation*	309	16.1%
Withdrawal w/Settlement	15	4.9%	Withdrawal w/Settlement	238	12.4%
Failure To Cooperate	78	25.4%	Failure To Cooperate	254	13.2%
Lack of Jurisdiction	1	0.3%	Lack of Jurisdiction	21	1.1%
Failure To Locate	3	1%	Failure To Locate	22	1.1%
Charging Party Withdrawal	25	8.1%	Charging Party Withdrawal	58	3.0%
Other	2	0.3%	Other	50	2.6%
<b>TOTAL</b>	<b>308</b>	<b>100%</b>	<b>TOTAL</b>	<b>1918</b>	<b>100%</b>

\*No Fault Settlement is included in the Successful Conciliation category.  
 Note: Housing closure types do not include Right to Sue Issued category.