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

2 WEDNESDAY, APRIL 21, 2010

3 (9:00 a.m.)

4 AGENDA ITEM NOS. 1 & 2

5 CHAIRMAN ANDERSON: Good morning,
6 everyone. Welcome to the April 21, 2010 meeting of
7 the Commission on Human Rights, and I call the meeting
8 to order. At this time I'd like to welcome everybody
9 and the Commissioners.

10 I've got a couple of announcements we
11 want to go through.

12 PUBLIC COMMENT

13 CHAIR ANDERSON: And first we have
14 Ms. Morrison. Marilou Morrison wants to speak.

15 Ms. Morrison, remember you have three
16 minutes, and your time starts when you get to the
17 podium.

18 MS. MORRISON: Good morning. I am here
19 again today because the CRD continues to be unable to
20 satisfactorily investigate enough HUD complaints to
21 meet its projections made to the LBB, less alone the
22 requirement from its probation.

23 For seven years I have explained the
24 nature of the CRD's problems. No one listened to me
25 or to the private consultant, Bud Henry, who was hired

1 with taxpayer dollars to do the same thing. Mr. Henry
2 came to essentially the same conclusions as I.

3 I wonder how many Commissioners have
4 even seen Mr. Henry's follow-up report dated June 18,
5 date 2008 in which he wrote -- and I quote -- "I
6 believe more is needed in training of investigators.
7 Based on my interviews with investigators this year,
8 as well as a year ago, there is a need in the division
9 for an effective, local, in-house training program for
10 newly-hired investigators, as well as proficiency
11 training for existing staff. This is especially true
12 for housing investigations. At the manager level you
13 will hear that the division has this training in
14 place, but it is not as effective as it could be.
15 During this brief visit to the CRD, I continued to
16 hear inconsistencies while discussing housing
17 procedures with investigators," end quote.

18 This is what I have said repeatedly.
19 CRD managers cannot manage and cannot train;
20 consequently, the investigators cannot do quality
21 investigations that HUD will pay for and/or the number
22 necessary to meet CRD's projections made to the LBB
23 relevant to income. Mr. Henry's follow-up report is
24 dated almost two years ago. And six months after he
25 had finished working with CRD managers, he was unable

1 to train the managers, and he clearly stated that the
2 investigators still did not have a grasp of how to
3 investigate. And despite the training CRD managers
4 claim to be providing, there was little or no
5 improvement.

6 Mr. Henry's follow-up report correctly
7 foretold of the CRD's demise if corrective action was
8 not taken immediately, and none was. Consequently,
9 HUD placed them on probation about a year ago -- about
10 a year later, sorry. But that -- but what can anyone
11 reasonably expect of a management staff that includes
12 at least one member against whom numerous charges of a
13 legal discrimination retaliation have been filed?
14 These charges resulted in the issuance of at least
15 five cause findings issued against the agency by EEOC
16 and a unanimous jury verdict with a judgment of
17 \$900,000.

18 Only one current Commissioner has ever
19 had the opportunity to participate and decide if an
20 investigation has revealed sufficient evidence of
21 unlawful discrimination to sustain a cause finding.
22 Incidentally, that is the most important function of a
23 Commissioner's job. The CRD has been led so far away
24 from its mission that it has become worthless to the
25 people it was created to serve.

1 In its current state, it makes a mockery
2 of the concept of Equal Employment -- Equal Employment
3 and Housing in Texas. However, I will continue to
4 come to -- to attend CRD Commission Meetings in the
5 hopes that someday some of the Commissioners will come
6 to understand what has happened and work to try to
7 restore people's reasonable expectation that the CRD
8 provide a venue for redress for unlawful employment
9 and housing discrimination in Texas. Hopefully,
10 someday this will be true.

11 Still, I ask: Why was this permitted to
12 happen? Why?

13 AGENDA ITEM NO. 3

14 CHAIR ANDERSON: Mr. -- Mr. Gomez, you
15 have a couple of positive announcements to make.

16 MR. GOMEZ: Yes, sir. Good morning. My
17 name, for the record, is Robert Gomez. I'm the
18 Division Director for the TWC Civil Rights Division.

19 Good morning, Chair Anderson, and good
20 morning, Commissioners, and guests.

21 Yes, at -- I'd like to start off by
22 recognizing one of my staff members who was here
23 before I came on board, and I know that I could
24 probably not do this job without her being there every
25 day for me. So, at this point in time I'd like to

1 recognize Becky Smith and present her with a Service
2 Recognition Award, if I could.

3 And before I get up there and present it
4 to you, let me go ahead and read it. "Service
5 Recognition Award. The Texas Workforce Commission
6 wishes to recognize 25 years of time, thought, and
7 energy contributed by Becky R. Smith. Our sincere
8 appreciation for your dedicated service to the people
9 of Texas. April 23rd, 2010."

10 So, at this point in time I'd like to
11 give it to her and congratulate her for 25 years of
12 service to the State of Texas.

13 (Applause)

14 (Brief pause)

15 CHAIR ANDERSON: Congratulations,
16 Ms. Smith, and many more years of continued service to
17 the CRD and the State of Texas.

18 MR. GOMEZ: Yes, I second that.

19 Second thing is the -- I did send
20 you-all, Commissioners, a copy of the Texas Workforce
21 Commission Press Release that was sent out on April
22 1st, 2010 designating the month of April as National
23 Fair Housing Month, and I do hope that you-all
24 received a -- the copy of the Press Release. So, I
25 won't read it at this time.

1 Also, in working with our TWC support
2 staff in Government Relations and External Relations,
3 we -- we were able to get from the Governor's Office
4 the Proclamation for Fair Housing Month, and this is
5 it. They gave it to us in a really nice frame, and as
6 you'll hear from our reports later on during this
7 meeting we did attend a couple functions for Fair
8 Housing Month that we -- we got the opportunity -- we
9 had the opportunity to read this proclamation.

10 So, at this point in time, I'd like to
11 read it if you-all don't mind. Okay.

12 "State of Texas, Office of the Governor,
13 in 1968 President Lyndon Baines Johnson signed into
14 law Title VIII of the Civil Rights Act, also known as
15 the Fair Housing Act. This landmark legislation
16 prohibits discrimination in the sale, rental, or
17 financing of housing on the basis of race, color,
18 religion, sex, national origin, family status, or
19 disability. In 1989 the Texas Legislature passed the
20 Texas Fair Housing Act solidifying our State's
21 commitment to the spirit of fairness and
22 nondiscrimination. These acts were conceived with a
23 noble goal in mind, affording all Americans equal
24 opportunity to seek the housing of their choice. Each
25 year the month of April is designated for a nationwide

1 campaign to reaffirm our commitment to the ideals of
2 fairness and quality and to celebrate the advances
3 that have been made over the last four decades. The
4 Lone Star State is a land of many peoples and
5 cultures, and we recognize that we derive strength
6 from our diversity. At that time I encourage all
7 Texans to support fair housing opportunities so that
8 we can build an even brighter future for the great
9 state we call home. Therefore, I, Rick Perry,
10 Governor of Texas, do hereby proclaim April 2010 to be
11 Fair Housing Month in Texas and urge the appropriate
12 recognition whereof -- in official recognition
13 whereof, I hereby affix by signature this 25th day of
14 February, 2010, signed Governor Rick Perry."

15 CHAIR ANDERSON: Thank you.

16 MR. GOMEZ: Okay. Now, if I might
17 direct you to the tab -- Director Tab in your
18 handouts --

19 CHAIR ANDERSON: Does that take care of
20 all the announcements, then?

21 MR. GOMEZ: Yes, sir.

22 CHAIR ANDERSON: Okay.

23 MR. GOMEZ: And I will provide you with
24 the highlights of my activities since we last met on
25 January 27, 2010.

1 In that period in time, since January
2 27th, internal to CRD activity and action we conducted
3 weekly meetings with -- or I conducted weekly --
4 weekly meetings with the managers in discussing the
5 budget and established a plan for projecting the case
6 closures impacting the revenue projection for the
7 remaining fiscal year. And at a later point in time,
8 when we get into the Housing Report, I will hand out
9 that plan to you-all. I worked on it -- finalized it
10 yesterday afternoon and -- and this morning. So, it's
11 hot off the press, and we'll go ahead and share that
12 with you when we cover our Housing Report.

13 In as far as training internal to CRD, I
14 attended the -- several trainings: Customer service
15 for managers, writing standard operating procedures,
16 and building a stronger team. This was internal TWC
17 training. Also, conducted a meeting with
18 representatives of the Texas Apartment Association to
19 discuss the processing of files.

20 This is always a very productive meeting
21 to CRD. We discuss certain cases. We also discuss
22 our processes and procedures and what they can do for
23 us in facilitating their responses to the complainants
24 that file the complaints through TWC CRD. So, it's a
25 very good working relationship. In fact, at one of

1 the conferences that was held here in Austin by the
2 Austin Equal Employment and Housing Office that they
3 put on for National Fair Housing Month last week on
4 Wednesday and Thursday, I did talk to the director of
5 the Texas Apartment Association, and we're partnering
6 up with the FHIP out there in El Paso and addressing
7 the disability construction percentages for new
8 construction out there in El Paso that's been in -- in
9 debate, which we received information on regarding
10 what the City of El Paso was doing in regards to
11 available disabled units and new construction out
12 there in that area when we attended the -- the summit
13 in El Paso with the Border of Fair Housing & Economic
14 Justice Center. So, that's a new project that we're
15 probably going to work with the Texas Apartment
16 Association and also with the Border Fair Housing &
17 Economic Justice Center to address that issue.

18 Conducted meeting -- a meeting with
19 representatives in the -- in case staffing with
20 representatives within CRD of Team 1, which handles
21 Housing Enforcement, and these meetings are held every
22 week. And what we do during these case staffing
23 meetings is we go over the cases, particularly the
24 cases that are a hundred days and older and also
25 discuss any legal support that we need from our legal

1 support Staff within TWC, Mr. John Moore. He usually
2 attends these meetings by conference phone, and we do
3 get an opportunity to ask him questions and
4 clarifications on any legal issues that the
5 investigators might have on their cases while going
6 through the case staffing process.

7 TWC activity in action. Attended the
8 weekly and biweekly meetings, as indicated there on
9 your handout and also the Quarterly Performance
10 Meeting. Had an occasion to meet with the Office of
11 General Counsel to discuss housing conciliation funds.
12 This is an issue that -- when we were writing up
13 conciliation agreements, there was a portion in the
14 conciliation agreements that lended itself to the
15 public interest relief. And hopefully we can revisit
16 that with the Office of General Counsel.

17 Participated --

18 CHAIR ANDERSON: Let's -- let's -- let's
19 go to that real quickly. I see Mr. Jones is here, and
20 maybe we can discuss that particular issue because
21 it's going to be part of the discussion on the budget.

22 Mr. Jones, can you --

23 MR. PAUL N. JONES: Yes, sir.

24 CHAIR ANDERSON: So the Commissioners
25 have an understanding of what transpired in the past

1 and -- and what we might be able to do going forward.

2 MR. PAUL N. JONES: Yes, sir.

3 Good morning. Just for the record, Paul
4 Jones, General Counsel.

5 Chair Anderson, we had looked at this
6 before with regard to using conciliation funds, and
7 we -- we will look at that again. And we need to get
8 some guidance from HUD in order for us to do this.

9 Susanna -- Susanna Holt is here, and she
10 had some additional information with regard to the
11 reason why we had some limitations in using those
12 funds.

13 MS. HOLT: Commissioners, for the
14 record, Susanna Holt, Assistant General Counsel. We
15 became aware that the Civil Rights Division was
16 collecting funds in conciliation of certain housing
17 discrimination cases, and absent direction -- written
18 direction from HUD, that that is an acceptable
19 practice. We determined that it was not the role of
20 the CRD to be collecting interest -- collecting money
21 on behalf of the public's interest in their role as
22 conciliating the complaint between the charging party
23 and the respondent.

24 CHAIR ANDERSON: Okay.

25 MS. HOLT: But if the feds give

1 direction to the alternative, then we could certainly
2 revisit our guidance.

3 CHAIR ANDERSON: Well, I understand that
4 and appreciate that. I believe we will follow your
5 guidance. But as a -- as an additional information,
6 doesn't HUD do this or allow other FHAPs to do that --
7 to do this?

8 MR. GOMEZ: In our initial study or
9 initial information that we did receive to get our --
10 our -- if you want to say our initial clearance to do
11 this, yes. When we talked to HUD, they didn't
12 actually -- like Susanna says -- and I -- I believe
13 that we need to do that, is get something in writing,
14 in written format, because basically we did ask our --
15 the division director for HUD in Fort Worth and also
16 the individual who was in charge of the FHAP program.
17 And then, subsequent to that, we researched the
18 federal mandate itself, and so that's why we'd like to
19 revisit that.

20 But to answer your question, we did get
21 that information, but we got it verbally. So, I feel
22 as though we need to take the extra step and -- and
23 work with our legal support here to -- to, perhaps,
24 revisit and see if we can -- and we can generate that
25 revenue once again.

1 MR. PAUL N. JONES: So, Chair Anderson,
2 we'll -- we'll look into that and get some
3 clarification from HUD and find out if there is a way
4 we can go forward with that.

5 CHAIR ANDERSON: Okay. That's great.
6 And you -- it -- it's not a regular course of revenue,
7 but it -- it can generate some additional revenue. Is
8 that what you're saying?

9 MR. GOMEZ: Well, it -- it generates
10 revenue --

11 (Simultaneous discussion)

12 CHAIR ANDERSON: Nothing you can budget,
13 I guess, is --

14 MR. GOMEZ: Yes, sir. The way that we
15 see it is it generates revenue in that we -- when we
16 generate revenue the regular way, if you want to call
17 it, in closing cases, that revenue basically covers
18 our overhead expenditures that we have projected.
19 This revenue will give us additional revenue that we
20 can go out there and do some outreach, we can do some
21 education, we can take on some special projects, such
22 as the one that I just mentioned with the TAA and the
23 organization in El Paso. It also allows us to sponsor
24 certain conferences, summits, workshops that we might
25 want to attend and, again, do outreach because, at

1 this point in time because of the budget situation, we
2 have cut back considerably on our outreach efforts, as
3 you will hear as we go through this meeting and give,
4 again, the Housing Enforcement Report.

5 CHAIR ANDERSON: Okay. Thank you.

6 I guess Gene or Daryl can address how it
7 can impact the budget or how we would actually budget
8 when we get to that point. We don't need to discuss
9 it right now.

10 MR. CRUMP: (Nodding)

11 CHAIR ANDERSON: Okay. All right.

12 MR. GOMEZ: Okay.

13 CHAIR ANDERSON: Any questions from the
14 Commissioners?

15 (No response)

16 MR. GOMEZ: Okay. So, to continue, I
17 had the opportunity and the privilege to participate
18 in a radio interview with the External Relations
19 Director, Ann Hatchitt, regarding the role and
20 function, responsibilities of CRD to the people of
21 Texas and also participate in providing clarifications
22 on what our actual role was for the -- providing
23 the -- the product that we do for the people of the
24 State of Texas.

25 Participated in meetings with Mr. Larry

1 Temple, Legal, Audit, Support Staff, and CRD Staff to
2 discuss the fair lending housing complaints sample
3 universe for cases involving comparative data. This
4 simply was a task or an assignment that was given to
5 us. By "us," myself, CRD, and also our RID legal
6 support, Mr. John Moore, and Audit, Ms. Joann Benton.
7 We met to discuss how we were going to look at the
8 sample universe in obtaining comparative data,
9 particularly with the lending institutions, mortgage
10 and lending institutions, and what we were going to
11 look at as far as our universe of sampling.

12 And we will have a report and processes
13 and procedures for our investigative staff probably
14 next week, and I will share those with you-all when we
15 do. We also -- I also participated in meetings
16 concerning Open Records and in several meetings with
17 the budget support staff to discuss housing and
18 employment case closures impacting the projected
19 revenue for Fiscal Year 2010 and -- and to be
20 considered also for Fiscal Years 2011 and 2012.

21 Federal activity action, participated in
22 a telephone conference call with representatives of
23 HUD and in the Fair Housing Assistance Program
24 Agencies. Basically, this meeting was a rather
25 lengthy meeting that we had discussing the new

1 requirements on the performance-based payment
2 structure that HUD is going to put into place this
3 coming year and the payment schedule for cases that we
4 do submit for payment, whether they fall in a certain
5 category of payment, according to the number of days
6 that we have had that case -- that we have had that
7 case in our inventory.

8 External activity action, met with
9 representatives of the Border Fair Housing & Economic
10 Justice Center to discuss assistance with Fair Housing
11 Seminar to be held in April. This was held a couple
12 of weeks back, and we did participate as a sponsor out
13 there in El Paso. We had a pretty good crowd that
14 showed up.

15 It was a one-day event. That is the
16 event that I mentioned to you-all that we opened the
17 conference with the Press Release, reading of the
18 Press Release. And during the -- right before the
19 luncheon speaker, we read the proclamation that we had
20 from the Governor's Office. And we also participated
21 in -- as far as a panel presentation for the audience
22 in letting them know what we do as TWC CRD for the
23 State of Texas and also where we were in as far as the
24 laws and mandates for the State of Texas.

25 And so it was very productive, like I

1 say. It was well attended, and we had very good
2 feedback. We also were able to set up our booth, our
3 outreach booth, information booth, and we did have
4 pretty good traffic that went through -- through
5 there.

6 Attended and participated the summit, as
7 I stated before, and also the City of Austin Equal
8 Employment & Fair Housing Offices Annual Employment
9 and Fair Housing Conference. I believe at the end of
10 last meeting, one of the action items that I had was
11 to send you-all information regarding this event in
12 Austin. It was a two-day event that was held by the
13 Austin Equal Opportunity & Fair Housing Office, and we
14 had Employment Staff, Employment Investigators, the
15 Management Staff for our division attend either the
16 employment investigators and staff on the employment
17 day and the housing on the housing day of the event.
18 And we were also able to read the proclamation on the
19 second day of that event.

20 Other than that, that is what I have.
21 If you-all have any questions for me, I'll be more
22 than willing to answer them or give clarification on
23 anything that I've presented so far.

24 CHAIR ANDERSON: Commissioners?

25 (No response)

1 CHAIR ANDERSON: Okay.

2 AGENDA ITEM NO. 4

3 MR. GOMEZ: Okay. All right. At this
4 point in time I would like to introduce Daryl, and he
5 will give you the information regarding the budget for
6 the Civil Rights Division.

7 MR. STEGLICH: Good morning, Chair
8 Anderson, Commissioners. For the record my name is
9 Daryl Steglich, Texas Workforce Commission Finance
10 Department. I'm going to provide you with a little
11 bit of information relating to the financial aspect of
12 the Civil Rights program.

13 In the first slide for the -- for the --
14 for the case closures for employment cases, halfway
15 through the year the estimated budget amount was 528
16 cases closed for the first quarter. The actual number
17 is 534. For the housing cases the estimated number
18 for the first two quarters for 2010, for budget
19 purposes, was 210. Currently, we've closed 151.

20 The next slide talks about -- shows the
21 revenue and expenditures comparison for '08, '09, and
22 '10, both budgeted and projected. I'll direct your
23 attention to the left-hand -- left-hand schedule.
24 The -- the -- the 2010 budget, of course, is \$2.7
25 million. The projected revenue for 2010 is \$2.5

1 million. It looks like there will be a -- a 7.3
2 percent deficit as far as expenditures over expected
3 revenues -- projected expenditures over projected
4 revenues at this point in time.

5 And the final slide is a comparison of
6 expenditures by category throughout the year. The
7 expenditures seem to be tracking fairly well. Travel
8 is low. But travel, generally speaking, occurs late
9 in the year for the training sessions.

10 If you have any questions, I'll be glad
11 to answer them or address them at this time.

12 CHAIR ANDERSON: The -- it looks like
13 the salaries and benefits are greater than what the
14 budget -- why is that?

15 MR. STEGLICH: Yes, sir. These -- these
16 include -- include amounts that are associated with
17 the two extra FTEs that -- two -- two FTEs that were
18 on board through the -- through February which not --
19 will not be there for the rest of the year. There's
20 an estimated \$60,000 savings that will occur related
21 to those two -- two -- two FTE reductions.

22 MR. CRUMP: Daryl, go ahead and speak to
23 the fact that fringe benefits have increased this
24 year.

25 MR. STEGLICH: Oh, yeah.

1 And fringe benefits have increased. The
2 amount associated with our healthcare costs, of
3 course, have gone up and continue to go up for each
4 year. I don't remember the exact percentage this
5 year, but I --

6 MR. CRUMP: I want to say about half a
7 percent, Commissioners, and that's not -- that's not
8 individualized to CRD. I mean, that's across all
9 state agencies in the State of Texas. So, that was
10 not part of the budget planning that went into it.
11 That occurred later in the year.

12 CHAIR ANDERSON: The -- the changes in
13 the healthcare from the -- at the federal level, I
14 assume you've already run some numbers. Is that going
15 to have an impact on -- well, obviously, if it has an
16 impact on you, it will have an impact on CRD.

17 MR. CRUMP: No, sir. That's actually
18 handled by the Employment Retirement System, ERS,
19 Ms. Ann Fuelberg is the executive director. They are
20 posting notices on their Web site. Our benefits
21 counselors are involved with ERS, and we're staying
22 abreast of that. But there has not been any numbers
23 provided to any state agencies at this time.

24 CHAIR ANDERSON: Okay.

25 MR. CRUMP: But, yes, sir, you're

1 correct. If there's a cost at the state level, it
2 certainly applies to TWC and then CRD as a subset.

3 CHAIR ANDERSON: Okay.

4 MR. GOMEZ: As reported by Daryl and
5 also by Gene here, you know, there is a projected
6 shortfall for the CRD, for the Civil Rights Division.
7 At this point in time I want to ensure you that
8 management and staff, both in the housing and
9 employment areas, we're taking proactive action and
10 we're taking proactive steps to address that
11 shortfall. And at this point in time -- you passed
12 out the plan?

13 You have with you that has been passed
14 out to you a handout that we finalized yesterday,
15 because we did meet -- by "we," I mean Chair Anderson,
16 Gene, and myself. We met to discuss the budget and
17 shortfalls and see what actions and what steps we were
18 going to take as far as management and also CRD staff
19 to address that projected shortfall. And you have in
20 front of you the TWC CRD actions taken and action plan
21 for meeting the -- the budget for the remainder of
22 Fiscal Year '10.

23 You see there by the bullets that we're
24 taking several action steps to address this shortfall,
25 and at this point in time if you've had time to look

1 at it -- or did you want me to -- to read it as part
2 of the record or --

3 CHAIR ANDERSON: I think that -- why
4 don't you kind of go through in summary and just --
5 why you've got overtime and things like this.

6 MR. GOMEZ: Okay.

7 CHAIR ANDERSON: But go ahead and -- you
8 and Gene and Daryl discuss some of the items and what
9 impact it will have on the 2010 budget.

10 MR. GOMEZ: Okay. Let me try to kind of
11 present in summary the bulleted items.

12 In -- in addressing overtime, we've
13 always had voluntary overtime for staff if they felt
14 they were falling behind. Give a little background:
15 When we -- when management deals with the housing
16 staff or investigative staff, what they do is they
17 keep them abreast of their closures on a monthly
18 basis, and then we issue a quarterly memo, also.
19 Since we've gone through half a year, two quarters,
20 we've -- we've issued two quarterly memos.

21 But on a monthly basis staff is advised
22 on where they're -- they stand for the year on their
23 closures. So, we offer the voluntary overtime. And
24 at this point in time any voluntary overtime that has
25 come to me for approval, for final approval for any

1 individual in the division, I have approved any
2 overtime that has been submitted.

3 Now, because of the plan and because of
4 the proactive approach that we needed to take, we also
5 implemented mandatory overtime for staff. We came in
6 one Saturday this month in April, which was two
7 Saturdays ago. And also, in the month of May, if our
8 numbers don't improve for the closure of April, then
9 we will mandate two Saturdays in the month of May
10 until we get those numbers up.

11 Also, we're working with HR --

12 CHAIR ANDERSON: Let me --

13 MR. GOMEZ: Yes, sir.

14 CHAIR ANDERSON: -- if I -- if I might,
15 some of us may have questions as we go through. But
16 there's also a cost associated with this, the
17 overtime. So, Gene or Daryl --

18 MR. CRUMP: Or Robert, yes, sir. Again,
19 what happens when Robert's talking about mandatory
20 overtime, that's in the -- that occurs as comp time,
21 compensatory time. So, it's not paid overtime.
22 However, you are correct, sir.

23 There's going to come a time when those
24 individuals take off. So, their productive time in
25 the office, in terms of closing cases, is not there.

1 So, you know, that's certainly a management decision,
2 and I -- I think we're heading in the right direction
3 for that. So, it's not paid time and a half for this
4 particular year. But whenever that individual does
5 take that comp time off, that's a loss of productivity
6 in the office for that period.

7 CHAIR ANDERSON: And there -- all the
8 investigators are nonexempt. So, they are all
9 eligible for overtime or comp time?

10 MR. GOMEZ: Yes, sir.

11 CHAIR ANDERSON: Investigators.
12 Supervisors and above are, I assume, Fair Labor
13 Standards Act, exempt?

14 MR. GOMEZ: Yes, sir.

15 CHAIR ANDERSON: So -- and Brenda is
16 shaking her head, too. So --

17 (Laughter)

18 MR. GOMEZ: Okay. Management has
19 decided not to fill two vacant FTEs that we have in
20 order to reduce that overhead and salary expenditure.
21 So, we currently have one vacancy in employment and
22 one vacancy in housing that we are not going to fill
23 until we balance the budget.

24 We have weekly staff meetings on every
25 Monday, as I mentioned before. We meet with Housing

1 Staff to go over their cases, to discuss any cases,
2 any problems, any situations that they might have that
3 might be impeding them in closing those cases. We
4 also have at our disposal legal support that does
5 attend the meetings by conference phone, as I stated
6 before. And any legal questions or any legal
7 roadblocks that they might be experiencing, the
8 investigators might be experiencing, we discuss with
9 Mr. John Moore, and he continues to participate in
10 those meetings.

11 We monitor -- are monitoring cases over
12 a hundred days old, and also we monitor and discuss
13 with investigators, as I stated before, their monthly
14 performance standards. And then, every quarter we do
15 issue the quarterly memos, letting the investigators
16 know exactly what they've closed up to that point in
17 time, where they need to be, and what they need to do
18 for the remainder of the fiscal year in order to
19 achieve their performance standard for the fiscal
20 year.

21 We have also combined on-site visits.
22 If an investigator -- for example, we had an occasion,
23 Commissioner Osterhout, where we had a -- an
24 investigator had a case up in the Amarillo area. So,
25 there was another investigator, upon discussing the

1 cases on that particular Monday, that also needed some
2 documents signed in the Lubbock area. So, therefore,
3 we combined that trip and had that one investigator
4 expend that travel money to go up to Amarillo and do
5 what they needed to do for their cases and also come
6 down to Lubbock and -- and -- and do what they needed
7 to do for the other investigator.

8 We also do this with the Training and
9 Monitoring staff. If -- for example, I think we had
10 an occasion where a trainer was going to give a
11 trainer down in the Valley, and there was a need for
12 some documents to be picked up by an investigator.
13 So, the trainer went ahead and did that on-site. So,
14 we cut that expenditure for that investigator going
15 down to the Valley and doing that. So, we're
16 utilizing other staff to do that. Ourselves, when we
17 go out there and have meetings in certain areas, as
18 far as management is concerned, if we need to do an
19 on-site or pick up information or have documents
20 signed by an investigator, then we're going and doing
21 that, also, as managers.

22 And also, we have redirected our efforts
23 in as far as the outreach is concerned. Before, the
24 last couple of meetings, I reported to you that we had
25 set up networks and had the Expanded Presence Program

1 that was quite active. But since the impact on the
2 budget and also impact on case closures, we have kind
3 of cut back on that and redirected some of that staff
4 time and -- and concentration of efforts on case
5 closures to address that.

6 One more thing that I didn't put on
7 there is the -- every year -- and the reason I didn't
8 include it in here was because the possibility of us
9 getting approval on an upward modification from EEOC.
10 What that means is that with the employment cases we
11 are on track or ahead of track of closing number of
12 cases required on our contract with EEOC. Now, with
13 EEOC we do have a specific number that we have to
14 reach that they'll pay us in as far as 550 per case.
15 So, in that particular area what -- what we're doing
16 is that we're not filling that FTE for employment.
17 And also we, again, are going to request an upward
18 modification from EEOC, because we're on track, as I
19 stated before, to close more cases than what our
20 contract stipulates.

21 So, we're hoping that there will be
22 money available with EEOC to give us that upward
23 modification that we have requested really since I
24 came on board here, for the last five years. We've
25 always closed more cases than what was on our contract

1 from EEOC. The reason being that EEOC usually don't
2 go for the high numbers because of their budget
3 situation in paying the FEPAs for those particular
4 cases.

5 And attached to the bulleted summary of
6 the actions we have taken is a projected closures for
7 our specific investigators and --

8 CHAIR ANDERSON: Before we get there --

9 MR. GOMEZ: Yes, sir.

10 CHAIR ANDERSON: -- a couple -- couple
11 things, and I think Commissioner Diggs had a question,
12 also.

13 But the conciliation, if that gets done
14 within the next couple of weeks and that's agreed both
15 by OJC and -- OGC and -- and HUD, is that -- would
16 that have any impact on additional revenues for this
17 year, do you think? Do you and Gene have any --
18 you -- all you know, if the money comes in, you'll put
19 it in the budget? So --

20 MR. CRUMP: Yes, sir. I mean, if we go
21 back to when -- when we first started that project,
22 if -- if we were to average \$10,000 a month, then --
23 then those dollars could be certainly added to the
24 revenue projections whenever that process was able to
25 start or whatever, you know, Robert and -- and his

1 team believe we can accommodate. So, it's fairly
2 simply from a financial perspective.

3 MR. GOMEZ: I --

4 (Simultaneous discussion)

5 CHAIR ANDERSON: -- in my mind it
6 makes -- and I -- I'm not -- won't speak for the other
7 Commissioners, but that extra source of revenue could
8 be a good thing. So --

9 MR. GOMEZ: Yes, sir.

10 CHAIR ANDERSON: -- the quicker --
11 the -- the quickest we can get this done -- the
12 quicker we can get it done would be -- would be good.
13 So, I know Mr. Jones and -- and you have both agreed
14 to try to do it quickly. So --

15 MR. GOMEZ: Yes, sir. And what we're
16 hoping to do -- in fact, I've already discussed it
17 with my Housing Manager, Vickie Covington, this
18 morning in -- in asking her to obtain additional
19 documentation. And also this morning we -- we plan to
20 conference with Mr. Gary Sweeney and -- and Miles
21 Thurman with the HUD Regional Office in Fort Worth and
22 get the specifics that we need to provide to our OGC
23 Support Staff so they can look at it again.

24 But to answer your question
25 specifically -- and Gene kind of touched on it -- in

1 the time that we were doing this, I'd say about close
2 to two months, not even two months, we did generate a
3 little bit over \$10,000. So -- and that, again, is
4 for the public benefit in the conciliation agreements,
5 which encompasses outreach and networking and -- and
6 going out there and providing education, such as we
7 did in El Paso, such as we did with the conference
8 here in Austin.

9 COMM. DIGGS: I have one quick question.
10 Based on the items you've listed here, what's your
11 anticipated outcome? Do you have a -- a time line for
12 when you think you'll be back on track?

13 MR. GOMEZ: Commissioner, we'll hoping
14 that this sets us on track and also keeps us on track
15 for the remainder of the fiscal year. And to give you
16 a time, any time that -- that I would be able to give
17 you, depending on everything falling as it should in
18 the closures -- and I refer to the second page of the
19 attachment -- if the investigators close these cases,
20 the number of cases that are projected here, then I
21 would say to answer your -- your question simply would
22 be towards the end of the fiscal year and maybe even
23 before then, because these numbers that are projected
24 for closures are higher than the number that are
25 needed to meet the budget. So, if we can meet these

1 numbers, then I could say we're exceeding -- I
2 couldn't really tell you when, because it would depend
3 on how many cases are closed each remaining month,
4 starting with the -- this month, the month of April.

5 CHAIR ANDERSON: But the -- but the
6 positive -- to follow up on Commissioner Diggs's
7 question, but the positive outcome you're looking for
8 is predicated on them closing these cases; otherwise,
9 we're --

10 MR. GOMEZ: Yes, sir.

11 CHAIR ANDERSON: -- they'll be short.

12 MR. GOMEZ: Yes, sir. And it always
13 has. That's -- you know, we operate on the -- you
14 know, I guess, you know, we -- we get paid for every
15 widget that we -- we've put out there, if you want to
16 look at it that way. So, it -- it does depend. You
17 know, we're -- we're impacted -- if we get any
18 turnover of any sort, two or three investigators, if
19 we get any illnesses out there, the investigators are
20 out two or three or if we get new investigators that
21 have to go through that learning curve, as I've
22 mentioned before in previous meetings, then we do get
23 the impact through the whole division not only
24 individually for those investigators on their
25 performance standards.

1 CHAIR ANDERSON: It's not our job to
2 micromanage the budget or anything that goes on in --
3 in the CRD, but I submit that the Commissioners would
4 like to at least know what's going on on a
5 month-to-month basis. And we've got several
6 Commissioners here in the Austin area, and I know that
7 not more than a couple of them could -- could be there
8 at any one time and -- and violate -- not the Open
9 Records but the -- the requirement to not have a
10 quorum present.

11 MR. CRUMP: Right.

12 CHAIR ANDERSON: So, saying that, I
13 would like the -- or suggest that Commissioner Diggs
14 and Commissioner Morris, if they have time, to attend
15 the meetings that you-all have so that we can -- we
16 don't have to wait until the next quarterly meeting
17 that's in July to say, "Oh, my God, what are we going
18 to do, or what -- what recommendations do we have as
19 Commissioners to address the issues?" So, would you
20 and Gene or Daryl contact Commissioner Diggs and the
21 other local Commissioners to see about their
22 availability to attend the meetings when you talk
23 about the budget on a monthly basis?

24 MR. CRUMP: Mr. Chairman, we'll make
25 ourselves available when the Commissioners are

1 available. As -- as I've talked about several times,
2 any time the Commissioners are available, we can go
3 into detail, much like I had -- had the opportunity
4 with you and other Commissioners to discuss all the
5 aspects of the CRD budget and -- and -- and,
6 particularly -- and I kind of bring this up several
7 times, we have to kind of go back to the history of
8 how CRD became part of -- of TWC. There was a
9 significant General Revenue reduction when the Texas
10 Commission on Human Rights became part of the TWC.

11 So, while -- what we've been discussing
12 is somewhat dower, it -- it should be pointed out that
13 each and every year, even with that significant
14 General Revenue reduction, you know, the -- the budget
15 has been met. The Commission asked us -- or directed
16 us last quarter to assist Robert. So, myself, Daryl,
17 Brenda, Randy, our CFO, sat down, and we had a lot of
18 heads-down meetings. So, you know, the Civil Rights
19 Division, Robert has put together a plan to meet that.

20 You're correct, sir, those are the
21 estimates. But I certainly welcome the opportunity to
22 speak to any of the Commissioners whenever they're
23 available. I'll make myself available to talk about
24 the budget or anything else that we can do, because
25 our job is is to make Civil Rights Division

1 successful.

2 MR. GOMEZ: I would like to also take
3 this opportunity, Commissioners, and again, invite you
4 to come by and visit with us when we hold, perhaps,
5 those weekly meetings, those case staffings. I'm
6 pretty sure it could be a treat for the investigators,
7 and also you can get a nuts and bolts kind of
8 experience in what we actually do in going over those
9 cases and encouraging staff to close those cases.

10 Also, what we can do is -- on a weekly
11 basis we send HUD a report. And if you-all want, we
12 can send you -- or copy all the Commissioners on that
13 report that we send to HUD on a weekly basis, which
14 basically tells them what we've done for that week
15 and -- and what we're going to do for the following
16 week where we are at in as far as closures. That will
17 give you a good indication of where we are in as far
18 as our closures as they do impact directly the budget
19 for the CRD.

20 CHAIR ANDERSON: I think I was thinking
21 more along the lines -- and I'll let Commissioner
22 Diggs jump in here, is that when you get the numbers
23 for the month of April and we have a discussion about
24 those numbers and what's going to happen going forward
25 and that we have one of the Commissioners represented,

1 because obviously the rest of them are from Houston
2 and even further away, Dallas and -- and out in -- way
3 out in West Texas. Two other Commissioners are out
4 there. So, it's -- it's not economical for our time
5 or for the TWC with the -- the cost to add to your
6 cost burden. So, I think the local ones would more
7 than be interested in --

8 MR. GOMEZ: Yes, sir. What I will do is
9 I will get together with Daryl, and we'll coordinate
10 those meetings to discuss the budget. And then we'll
11 invite you at that point in time.

12 COMM. DIGGS: That works --

13 MR. GOMEZ: Or I will coordinate with
14 your offices, also. Okay?

15 COMM. DIGGS: Yes.

16 MR. GOMEZ: Okay.

17 Any other question -- I was referring to
18 the attachment. And, again, this will -- if you have
19 any questions on the attachment, this gives you --

20 CHAIR ANDERSON: One further question.
21 You talked about -- and I hate to beat up on this, but
22 the additional cases from EEOC that cost us more money
23 to close an EEOC case than we get reimbursed for, that
24 seems counterproductive. Or am I missing something
25 here?

1 MR. GOMEZ: Yes, sir. That -- that is
2 true, and that is an impact that -- and I'll let Gene
3 kind of answer to that, too, is that shortfall, when
4 we're talking about employment cases, is usually met
5 through the GR that we do get. The GR that is given
6 to CRD.

7 What I was addressing was the fact that,
8 if our contract from EEOC stipulates that we close a
9 thousand and three cases, which is what it is for this
10 year, and we close a -- a thousand 200 cases, then
11 there are 197 cases that we're not going to get paid
12 for that we have to carry over to the following year,
13 because unless we get that upward modification,
14 they're only going to pay us for those 1,003 cases.
15 And this, again, is impacted by their budget that EEOC
16 has for the FEPA program.

17 And this -- just to give you another
18 example of this, you know, the conference is coming
19 up, the National Conference -- EEOC National
20 Conference. I would say with all the speakers and
21 presentations that we have at this conference, 90
22 percent of the time is discussing this issue of the
23 lack of money that is being given to the FEPAs, be
24 they local or be they state FEPAs. And that
25 discussion has gone on and on since EEOC was paying us

1 \$500, and then they went up to 550. That still
2 doesn't cover -- in our situation, it really doesn't
3 cover the cost that we expend to investigate those
4 cases.

5 For other FEPAs, depending on the way
6 that they're budgeted, some are able to meet the
7 budget with that 550. And some, this is frosting on
8 the cake for them, because they are already funded for
9 their investigators.

10 CHAIR ANDERSON: A light finally went
11 off. So, what you're saying is those 197 cases,
12 you've closed but you haven't got -- you -- you're not
13 getting reimbursed, unless you get the upward
14 modification?

15 MR. GOMEZ: Yes, sir.

16 CHAIR ANDERSON: So, that's money that
17 we're --

18 MR. GOMEZ: On that example, if we got
19 an upward mod to, let's say, 1100, then you would just
20 take that difference. Again, we -- we would get paid
21 for 97 additional cases, but we still would have to
22 carry over those other cases to the following fiscal
23 year.

24 COMM. DIGGS: We had the same situation
25 last year, didn't we, where we were holding cases and

1 not filing them with them waiting for the new year to
2 start, because we didn't get the upward modification?

3 MR. GOMEZ: Yes, Commissioner Diggs, we
4 did have that situation.

5 COMM. DIGGS: So, what's the likelihood
6 of getting it?

7 MR. GOMEZ: The likelihood, unless we
8 hear anything different at this next FEPA conference
9 that I'm looking forward to attending, because I know
10 that's going to be the top subject that they're going
11 to discuss, the likelihood of that is almost a hundred
12 percent because, in talking to our coordinator who
13 comes down here to our office to read cases on a
14 monthly basis, Mr. Jaime Valdez, he's the program --
15 the FEPA Program Coordinator for our region, you know,
16 every time that I get a chance to bend his ear, I ask
17 him, you know, what's a possibility of getting a
18 modification, upward modification?

19 My understanding is there's several
20 other variables. They have to look at what other
21 FEPAs are either meeting their contract numbers or not
22 meeting their contract numbers, what other FEPAs are
23 requesting either a -- a downward modification or an
24 upward modification. And then whatever is left over
25 from all the other FEPAs in the region that they have

1 met or requested a downward modification, then they'll
2 consider the upward modifications. So, there is a
3 process. There's several variables in talking to
4 Jaime, and -- but, yeah, I know that -- that Tony, my
5 Manager for Employment Enforcement, does the same
6 thing. You know, we kind of bend his ear and say,
7 "Hey, you know, we're going to need an upward
8 modification."

9 And he's the one that let's us know that
10 we're ahead of the curve in as far as closures are
11 concerned to meeting the -- that contract.

12 COMM. DIGGS: Do we have a time frame
13 for when we would know when that upward modification
14 would be granted?

15 MR. GOMEZ: No. That's another
16 frustrating issue, because they are more or less --
17 they -- EEOC, are more or less dependent on when the
18 other FEPAs submit their case closures and submit
19 either -- are they going to want a downward
20 modification or an upward modification, also. And so
21 it -- it's dependent on them, how soon they get them
22 in or how slow they are in getting them in.

23 COMM. DIGGS: Okay.

24 COMM. MICHALKA: So, if I understand
25 this correctly, there were 23 closings in March. So,

1 this is current as of today. Correct?

2 MR. GOMEZ: Yes.

3 COMM. MICHALKA: Okay.

4 MR. GOMEZ: Yes, Commissioner.

5 COMM. MICHALKA: Because the information
6 we received didn't have -- it -- it closed as of
7 February, but not March. So, that's helpful to know.

8 Also, previously, the investigators were
9 separate. There was housing-specific investigators,
10 EEO investigators. Then, they were generalists and
11 did both. Now they're separate again. Are there any
12 of those that are in the EEO section that were
13 previously generalists that have done some housing
14 that could help?

15 MR. GOMEZ: We have discussed that, and
16 what you're going to get is that the employment
17 investigators are not going to be as proficient in the
18 housing. The employment investigators we have now,
19 some of them predate me in doing employment, and
20 that's what we they do. To get them up to par in
21 housing it would take what we encountered negatively
22 when we went into the generalist plan, that they were
23 closing their employment cases. But in housing they
24 were not meeting their performance standards again.

25 So, in doing that, we're going to

1 encounter, I believe, the same situation. In talking
2 to my managers also, we're going to encounter the same
3 learning curve difficulties that we have in hiring a
4 new investigator, because that's what we encountered
5 when we went into the generalist plan.

6 COMM. MICHALKA: I understand. But what
7 I was talking about is, say there's one employment
8 investigator that has done housing. Cut out their
9 employment cases for a bit. Have them just do housing
10 cases, not have -- but carry both loads but just help
11 with housing for a bit.

12 MR. GOMEZ: It sounds simple and doable,
13 and even when we look at that on paper -- because we
14 have drawn out the plans, but in actually doing the
15 cases, because of the difficulty of the cases, because
16 of the detail that's involved in certain type of
17 cases, when you're talking about housing cases, you're
18 talking about any -- anything from simple accomodation
19 for a disabled person, you're talking about design and
20 construction, which encompasses the whole, let's say,
21 first floor of an apartment complex just to make it
22 simple, you're talking about parking spaces, you're
23 talking about mortgage and lending cases, you're
24 talking about terms and conditions. It's a very
25 difficult program and very difficult investigations to

1 conduct.

2 And if we were to do that, it sounds
3 simple, "Let's move this investigator here,
4 investigator there." It's not as simple practically
5 to do it, and I would really not even venture to do
6 that. It would be sort of like taking 100
7 investigators across the hall and asking them to do a
8 Labor Law case. You know, it's sort of going back to
9 the beginning and learning the whole process. There
10 are a lot of other details, a lot of other
11 requirements that HUD has that EEOC doesn't have.

12 CHAIR ANDERSON: You -- this is probably
13 the crux of the -- the issue. We're looking at 39
14 cases for the remainder of the year, closures, and
15 you've been averaging less than 30. So, how are we
16 going to go from that point to the 39, which is going
17 to get us basically if I -- was -- Gene saying is --
18 is correct, which I know it is, is it will get us to a
19 balanced budget in -- in 2010?

20 MR. GOMEZ: I believe the investigators
21 in -- in -- in meeting on those Mondays and also in --
22 in -- in talking to them on a day-to-day basis and
23 also the -- the feedback that I get from them, there
24 is enthusiasm with the investigators in closing those
25 cases. We have given them those targets. We have

1 given them that encouragement that -- that guidance,
2 if you want to call it, and they are excited about
3 closing cases.

4 Now, along with that, we have the new
5 investigators that are gaining that experience, that
6 are getting that -- getting more familiar with their
7 cases and what they're doing, the type of cases
8 they're doing. When they get a case -- for example, a
9 design and construction or a mortgage/lending case on
10 their desk or assigned to them, it's not the first
11 one. It's not the initial case that they've gotten.
12 They've already worked one before, so they have that
13 pattern established. The on-sites, if they don't have
14 to spend time out there on the on-sites because we're
15 conducting those -- combining those on-site visits,
16 then they have more time to work their cases.

17 So, all in all, I think what we have
18 been putting into place and what is coming to be --
19 now, I'm just hoping that we don't lose some of those
20 investigators that are gaining that experience,
21 because we have a tendency to do that. And that is
22 kind of reflective of the fact that, to be quite frank
23 with you, we don't pay our investigators what other
24 agencies or entities pay them. So, once they get
25 trained with us -- you know, I mentioned the Austin

1 conference last week. Well, I met three of my former
2 employees in the five years that I've been here.

3 Three of them already work for the
4 Austin Employment & Housing -- Fair -- Fair Employment
5 & Housing Office. Two of -- we've lost two to other
6 state agencies in going investigations. So, we run
7 into that situation because of the situation that
8 we're in as far as the budget.

9 It all works together, we're hoping
10 positively. As I have stated before, with these new
11 investigators learning their job, not everything being
12 new that's being put on their desk, the learning curve
13 being done away with, and also the encouragement that
14 we're -- we've been giving the staff and the guidance
15 every Monday, I think that it can be done.

16 COMM. DIGGS: Do you anticipate us
17 having this same issue going into 2011?

18 MR. GOMEZ: Commissioner Diggs, this
19 issue has been here with me, as a Director, since I
20 took over this job. And I -- I think yesterday -- at
21 yesterday's meeting when I met with Chair Anderson
22 and -- and Gene, that was one of the topics that came
23 up because, as long as we are funded this way, as long
24 as we, quite frankly, don't have the -- enough GR to
25 cover our shortfall for a nonproducing investigator,

1 if we don't have enough GR to cover for somebody being
2 out sick that impacts directly our budget because of
3 the lack of closures, we are going to always encounter
4 this. We just have to work around it and try to work
5 with what we have and try to do best we can from both
6 the management aspect and the investigator aspect.

7 COMM. DIGGS: So, what impact will not
8 replacing those two FTEs have on this whole situation?

9 MR. GOMEZ: The impact on employment
10 right now is that -- in employment it's an unusual
11 situation, because in employment we didn't hire that
12 investigator. And our inventory, of course, went up.
13 Right now we're averaging about 65 to 70 cases in each
14 of the investigator's inventory. Okay. But the odd
15 thing is, as I mentioned before, even though these
16 four investigators that we have now in employment, if
17 they were to finish all their cases and -- and exceed
18 their performance standards to get to that inventory,
19 as I mentioned before, our contract is only going to
20 pay us for a thousand and three cases.

21 COMM. DIGGS: Uh-huh.

22 MR. GOMEZ: That's the situation in
23 employment.

24 In housing, different situation. We
25 have the right amount of inventory, if we were to hire

1 another investigator. But the reason we didn't was
2 because of the expenditure of salary and overhead, and
3 as I mentioned before, the learning curve in the
4 housing investigations area, because there is a long
5 learning curve. And -- and right now we have two
6 investigators that are in their learning-curve period.

7 So, in -- in looking at filling that FTE
8 for housing, when we post that position for housing,
9 we ask for specific investigative experience or
10 preferred housing investigative experience. Up to
11 this point in time, every investigator that I've
12 hired, that my managers have hired, I don't think any
13 of those have had specific housing investigation
14 experience. They've had investigative experience, and
15 those are the ones we hire that are selected.

16 But to learn the housing program, as I
17 stated before, and the difficulty that it poses with
18 different kinds of cases and the specifics that HUD is
19 requiring, it was better not to fill that FTE because
20 of the learning curve. We were going to fill the
21 impact of the expenditure, as far as the salary and
22 overhead for that FTE, but not have the output as far
23 as generating the revenue.

24 COMM. DIGGS: I understand.

25 COMM. MICHALKA: How many -- there's --

1 how many total employees are there?

2 MR. GOMEZ: We have -- now, we have 36
3 FTEs with 34 live employees.

4 COMM. MICHALKA: Okay. And then there's
5 11 housing investigators?

6 MR. GOMEZ: There are -- right now,
7 there are nine.

8 COMM. MICHALKA: Nine? And then how
9 many employment investigators?

10 MR. GOMEZ: There are four.

11 UNID. SPEAKER: Five.

12 MR. GOMEZ: Five. I'm sorry. Five.

13 And we have the two intake investigators, also.

14 COMM. MICHALKA: The two what?

15 MR. GOMEZ: Intake --

16 COMM. MICHALKA: Oh, okay.

17 MR. GOMEZ: That processes intake.

18 COMM. MICHALKA: And is that included in
19 part of the five, or would that be --

20 MR. GOMEZ: Aside from the five.

21 COMM. MICHALKA: Okay. That -- so, that
22 would be seven.

23 COMM. DIGGS: The five are just in --
24 the five are just investigators?

25 MR. GOMEZ: Yes.

1 COMM. MICHALKA: So, those -- that's 16.
2 Who are the other 18?

3 MR. GOMEZ: Support staff. We have the
4 Training and Monitoring staff --

5 COMM. MICHALKA: Okay. Yeah, I was
6 thinking Training and Monitoring is three and is
7 also --

8 MR. GOMEZ: We have two Training and
9 Monitoring specialists, and we have three mediators.

10 COMM. MICHALKA: Okay. So, three
11 mediators.

12 MR. GOMEZ: And we have three support
13 staff, admin support staff. We have the receptionist.
14 We have the IT support person, and then we have Becky.
15 Then we have myself, the three supervisors, and two
16 managers.

17 COMM. MICHALKA: So, there's 21 revenue
18 positions: The three mediators, the two training, the
19 seven investigators, including the two intake, the
20 nine housing investigators --

21 MR. GOMEZ: The two intake are
22 nonrevenue produces.

23 COMM. MICHALKA: Okay. So, there's 19
24 revenue producers? Okay.

25 (Brief pause)

1 CHAIR ANDERSON: Are the jobs -- I'm
2 sorry. Are the jobs, Brenda, rated appropriately?
3 Robert mentioned something about salaries and that
4 type of thing. Are they graded and -- I -- I assume
5 that they're -- for what their grade is that they're
6 within the range of -- of the compensation range for
7 that particular job. So, are they graded properly?
8 Are they too low, or have we done a -- an evaluation
9 in -- in recent years?

10 I -- this is kind of -- Brenda, this is
11 kind of a surprise. I didn't discuss this with her
12 before, but --

13 MR. CRUMP: The classifications are
14 correct.

15 CHAIR ANDERSON: Okay.

16 MS. NICHOLS: That's what I was going to
17 say.

18 (Laughter)

19 MR. GOMEZ: Thank you, Brenda.

20 (Simultaneous discussion)

21 MS. NICHOLS: -- the employees are
22 classified appropriately.

23 CHAIR ANDERSON: Okay. And they're
24 within the range?

25 MR. CRUMP: Yes, sir.

1 MS. NICHOLS: Yes, sir.

2 CHAIR ANDERSON: So, rather -- unless
3 there's some kind of authorization for a general
4 increase, their salaries are what their salaries are
5 at the present time. I mean, there's nothing we can
6 do, either TWC or the Commissioners.

7 MR. CRUMP: That's correct, sir. I
8 mean, there's -- in terms of, are the staff class --
9 classified correctly, the answer is yes. And within
10 the salary structure, are they being paid within the
11 salary structure accurately. And the answer to that
12 question is yes. Certainly, there is opportunity for
13 merit raises and promotions and that type of thing,
14 but I think the gist of your question is is have we
15 reviewed that. And the answer is, yes, sir, they are
16 properly classified.

17 COMM. MICHALKA: Let me kind of jump
18 back real quickly. You -- there's -- so there's 15
19 nonrevenue employees, and that's you, the supervisors,
20 Becky, and you were saying an IT person?

21 MR. GOMEZ: IT specialist for the
22 division, yes, ma'am.

23 COMM. MICHALKA: Okay. And then who
24 else?

25 MR. GOMEZ: We've got the three admin

1 assistants. We have the receptionist, and I think
2 that's -- that includes -- yeah, two managers and
3 three supervisors. And that was a decision that,
4 Commissioner Michalka, that we made this fiscal year,
5 also, is that we lost to retirement one of the
6 managers. So, in order to cut expenditures also, we
7 opted to not hire a third manager and develop the two
8 teams and then hire a supervisor for one of those
9 teams, and so that also cut expenditure and overhead.

10 COMM. MICHALKA: So, I have 11 right
11 now. I have the receptionist, three administrators,
12 two managers, three supervisors, one IT and, of
13 course, you. Let's see. I'm missing four.

14 MR. GOMEZ: And the two intake --

15 COMM. MICHALKA: Okay. Two intake. So,
16 then we're two. Who are the other two?

17 MR. GOMEZ: Did you include the
18 receptionist and the IT person?

19 COMM. MICHALKA: Uh-huh.

20 COMM. OSTERHOUT: The mediators?

21 MR. GOMEZ: Mediators are revenue
22 producers.

23 COMM. MICHALKA: Revenue producers.

24 Okay.

25 MR. GOMEZ: And the two trainers. Did

1 you include the two trainers in there?

2 COMM. MICHALKA: Two trainers were part
3 of the revenue producers. Yeah, the revenue. Okay.

4 CHAIR ANDERSON: And we've got a mandate
5 to do training, no matter how small or how -- how big
6 it is, we've got to -- it's part of our statutory
7 requirements. Is that not correct?

8 MR. GOMEZ: Yes. Yes, sir. And then,
9 also, as -- as I've indicated before -- Tony, I think,
10 has indicated before that we have certain activities
11 and functions that are mandated that we don't get paid
12 for, specifically the firefighter reviews that we
13 conduct.

14 CHAIR ANDERSON: Is there any way to
15 take any of the nonrevenue producers -- maybe that's
16 where you were going but, if not, I'll go there
17 anyway -- the nonrevenue producers and temporarily put
18 them in some type of other role? We've got -- we've
19 got to get through this year, and we've got another
20 year on this budget cycle that -- I mean, they don't
21 meet until 2012. Is that correct?

22 MR. GOMEZ: Next year.

23 MR. CRUMP: Yes, sir. The Legislature
24 will meet January of next year to approve agency
25 budgets for Fiscal Year '12 and '13.

1 CHAIR ANDERSON: And the chances of them
2 increasing our General Revenue is -- on a scale of 1
3 to 10, 1?

4 MR. CRUMP: Minus 3, sir.

5 CHAIR ANDERSON: Minus 3.

6 MR. CRUMP: And, again, not to be
7 facetious, but y'all have certainly read the GR
8 deficit in the budget. And certainly, in terms of how
9 that works, if I could take just a few minutes, as you
10 go through the legislative appropriations process --
11 and we'll be going through that this summer -- then
12 the Commissioners can adopt exceptional items to
13 submit for consideration. It -- it would be difficult
14 for the Commission to document a General Revenue
15 increase of a hundred thousand or 150,000 relative to
16 the deficit that the Legislature is facing.

17 They would look to the TWC Commission to
18 cover an amount of that size. As I have suggested to
19 the Commission before, it's a decision within the
20 agency to move additional General Revenue to CR -- to
21 the Civil Rights Division. From the agency's
22 perspective, the majority of our General Revenue, much
23 like the General Revenue that's committed to CRD, is
24 focused on specific programs.

25 Over 60 percent of the General Revenue

1 brings down federal match dollars. For example, in
2 Child Care area, for every dollar we spend in General
3 Revenue, we pull two dollars down in -- in Child Care
4 funds. The other monies are focused on Job Training,
5 Skills, Apprenticeship, Project RIO. So, there's
6 specific -- this is a relatively unique agency in that
7 over 85 percent of our funding is federal funding.

8 A large majority of the General Revenue
9 pulls down additional federal -- is used for match.
10 The other money is Job Training funds. And so the
11 Commissioners would have to make a -- a decision to
12 move additional GR to CRD to assist with the budget
13 deficit.

14 I probably shouldn't say this on the
15 record, but I'll say it anyway. Over the years those
16 of us on the financial side -- and I certainly include
17 myself there -- we -- to the extent that we've been
18 able to move additional General Revenue to CRD, we've
19 certainly done that over time. It's our job, again,
20 to make the Civil Rights Division successful, and to
21 the extent that we can do that without bringing a
22 large amount of attention that way, we've certainly
23 done that.

24 And, Commissioner Diggs, if -- if we
25 have a chance to meet, I can give you some of the

1 specific numbers.

2 COMM. DIGGS: That would -- that would
3 be helpful.

4 MR. CRUMP: And don't tell my
5 Commissioners I've done that.

6 (Laughter)

7 COMM. DIGGS: But the -- the
8 conversation about that, if we made a -- a proposal
9 for additional revenue, would be this summer?

10 MR. CRUMP: Yes, ma'am. And it would
11 need to go to our Commission first --

12 COMM. DIGGS: Right. Understood.

13 MR. CRUMP: -- to look within -- to look
14 within our budget.

15 COMM. DIGGS: Understood.

16 MR. CRUMP: And if I can just expand a
17 little bit -- and I think y'all recognize that, let's
18 assume that we were submitting a CRD request of an
19 exceptional item for \$100,000 in General Revenue. I
20 would submit to you that the Senate Finance Committee
21 and the House Appropriations Committee, as they looked
22 at our Commissioners, would say, "You have a \$1.2
23 billion budget. Commissioners, I think you can find
24 that money in-house." So, they would look for our
25 Commissioners to solve the problem at that level.

1 COMM. DIGGS: And so the proposal would
2 probably stay within your agency first as going any
3 place else, and that's -- that's a fine and -- and
4 acceptable conversation?

5 MR. CRUMP: Yes, ma'am, I --

6 COMM. DIGGS: Okay.

7 MR. GOMEZ: That would be greatly
8 appreciated if we could do that because, you know,
9 you -- in trying to find ways to address the budget
10 and I -- and like I stated before, Commission Diggs,
11 you know, I -- this started from when I started the
12 first day on the job, I know the first meeting that I
13 had with Gene, and I mentioned it yesterday. But not
14 going into detail, you know, budget was one of the
15 areas that we -- that I needed to address as a new
16 director.

17 And we've tried specialized,
18 generalized, shifting individuals, not hiring a
19 mediator, hiring the intakes, doing away with one of
20 the training and monitoring. We've tried several
21 things, adjusting the case closures, the performance
22 standards, hiring at a lower level and then promoting
23 from within. We've basically exhausted what we can
24 try, and it goes back to the same thing: Every month,
25 every quarter, every year we're in a similar

1 situation.

2 So -- and I know that staff -- I know
3 that staff produces. And like I say, I have some
4 staff there -- and that's why I invite you to come
5 over and -- and visit with us and -- and see when we
6 do the day-to-day, because there's enthusiastic staff
7 there. There's -- there's staff there that's very
8 encouraged and encourage others in closing their cases
9 and meeting their case closures. And I -- I wouldn't
10 hesitate to say that they take pride.

11 You know, "I got this conciliation for
12 this amount. I got this individual client to agree to
13 this. I finally got the information from the
14 comparative data." You know, there is enthusiasm
15 by -- by the investigators out there. And -- and, you
16 know, everything that we do, of course, we do with the
17 intent of meeting the budget.

18 We -- but we also don't want to squelch
19 that -- that fire and enthusiasm in those
20 investigators. But it comes back to numbers, and it
21 comes back to the revenue-producing numbers. And
22 that's what we try to do within our division.

23 CHAIR ANDERSON: I think one of the
24 things that's -- that's kind of troubling is -- is
25 that we -- you know, we -- January we only had 14

1 closures, and a couple other months we had a very low
2 closure rate. So, now we're, you know, scrambling
3 again at the last three, four, five months of the
4 year.

5 And catching up is -- you know, when we
6 talked about the budget at the beginning, catching up
7 is hard to do. Staying -- if we're ahead, you know,
8 like if we had a couple more closures than was
9 budgeted for, it's a lot easier to maintain that at a
10 steady level than trying to catch up a bunch of cases.
11 So --

12 COMM. MICHALKA: Two quick thoughts.
13 You know, we always talk about the revenue side of the
14 house, but there's two parts of each equation:
15 Nonrevenue and revenue. And I don't see how this can
16 sustain itself, having 19 revenue employees sustaining
17 15 nonrevenue. That's exceedingly high. It's very,
18 very, very, very high.

19 And -- and I think that could equate to
20 a lot of the problems that exist now, because that --
21 that can -- that number should -- the nonrevenue
22 should be a lot, lot lower. In any business, in any
23 governmental agency, those numbers are completely
24 skewed. And also, there's six supervisors for 19
25 revenue producers. So, that's a 1-to-3 ratio. That

1 number is skewed, also.

2 So, I think that, you know, we've always
3 looked at the revenue side of the house. I think
4 it -- it justly deserves looking at the nonrevenue
5 side of the house very much so.

6 MR. GOMEZ: Well, again, Commissioner
7 Michalka, I would invite you to come by and -- and see
8 the nuts and bolts on it because, in fact, one of the
9 supervisors in housing is not here because she has a
10 stack of cases that she needs to review from the
11 investigators before they're submitted to HUD. I know
12 where -- what you're saying. Everybody's plate, the
13 nonrevenue producers, as well as the revenue
14 producers, the investigators, their plates are full.

15 The reason this supervisor, like I say,
16 didn't attend the meeting today -- and she stated this
17 to me yesterday -- is because she has stacks of cases
18 that have been submitted by the investigators, which
19 are being asked to close cases. And those cases don't
20 show as closed until the supervisor reviews it,
21 approves it, and submits it.

22 So, to answer your question, yes, we
23 have -- the nonrevenue producers outnumber the revenue
24 producers within our division. But those nonrevenue
25 producers are providing support, are providing the

1 additional work that is needed to achieve those
2 numbers in as far as the cases being closed. And
3 also, I could honestly say that they all have their
4 plates full.

5 The administrative assistants, for
6 example, they're not only doing their job, they're
7 doing support for the investigators. They're doing
8 Open Records. We receive an enormous amount of Open
9 Records which Becky heads.

10 Becky's my executive assistant. She
11 also does Open Records. She does other functions that
12 need to be done.

13 So, in addressing that, yes, we do
14 have -- nonrevenue producers outnumber the revenue
15 producers, but they also provide a form of support for
16 the revenue producers and also support for the
17 division itself and what we need to do as far as
18 reports, as far as other tasks, as -- as far as
19 travel, inventories, reports for the training and
20 monitoring, the supplies for training and monitoring,
21 all that. And I have to taken a look at their plates,
22 and their plates are pretty full in as far as support
23 and functions for the division.

24 CHAIR ANDERSON: I -- I guess the --
25 y'all are getting the sense that the Commissioners --

1 we hear what you're saying, but we've got to resolve
2 this issue. I say, "we," because we're in it with
3 you. There's not a whole lot we can do from a
4 day-to-day perspective.

5 I mean, we can certainly meet more
6 often, but that's time away from y'all doing your job.
7 So, I don't want to -- to meet more often. And,
8 certainly, some of the Commissioners -- Commissioner
9 Diggs is -- and I think a couple of the other local
10 Commissioners will certainly be involved and -- and
11 work with you-all in-between our Commission Meetings.
12 But something has got to be resolved, and -- and
13 somebody mentioned about, you know, what it's -- what
14 it's going to be like in 2011. Are we going to be in
15 the same situation?

16 Well, we've got to -- you've got to
17 close, I don't know, 30-something housing cases a
18 month in order to have enough revenue to -- to justify
19 the number of people we have and, as Commissioner
20 Michalka brought up, to -- to cover the cost for the
21 nonrevenue producing. And I'm sure they're doing
22 something productive, but maybe they can close some
23 cases, too. Maybe they can review some cases and
24 allow the supervisors to close some cases.

25 After you all --

1 (Simultaneous discussion)

2 MR. GOMEZ: We would have to extensively
3 look at the skill sets for that, because I wouldn't
4 have one of my administrative assistants or one of my
5 training and monitoring individuals review a housing
6 case. I wouldn't certainly do that, because then we
7 would look at the quality aspect of it. It probably
8 wouldn't be accepted by HUD.

9 CHAIR ANDERSON: Well, Robert, we're
10 looking for solutions. We're not looking for, you
11 know, reasons. We're looking for solutions, and we've
12 gone through this the last couple of years.

13 MR. GOMEZ: I welcome any solutions that
14 might be offered, but I can only give you the aspect
15 from where I'm sitting on a day-to-day basis and
16 working with the staff --

17 CHAIR ANDERSON: 30,000 feet -- we've
18 given you some solutions, but we can't -- we can't
19 give you more than something from a very high level.
20 You-all have to come up with something at -- at the --
21 at the -- at the basic ground level and get it
22 completed, because right now we're asking TWC to come
23 up -- try to find some money when we should be the
24 ones trying to find some money and how -- how to do
25 it. It's not their responsibility to cover for every

1 single division out there. If they cover for us, then
2 they're -- they're obligated to cover for all the
3 other divisions that may be coming up short, too. And
4 pretty soon you run out of -- out of places to go.

5 MR. GOMEZ: We will continue to do that,
6 Chair Anderson, from our side of it.

7 CHAIR ANDERSON: Any other questions
8 from the Commissioners or comments concerning
9 financial?

10 (No response)

11 CHAIR ANDERSON: I'd like to move
12 quickly into the other items on the agenda in a very
13 brief overview, summary so that we can get into a
14 couple of the other items that are on the agenda, like
15 your manage -- Activity-Based Management Review, and
16 then also cover the Closed -- the Closed Sessions.

17 AGENDA ITEM NO. 5

18 MR. GOMEZ: Yes, sir. At this point in
19 time, to give you the Employment Enforcement summary
20 is Tony Robertson, Manager for Team 2.

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

22 Commissioners, Chair, for the record,
23 Tony Robertson, Manager Team 2. Sir, no problem. I
24 can wheeze right on through this.

25 (Laughter)

1 MR. ROBERTSON: Let me just go back just
2 a quick second and go back to Commissioner Diggs's
3 discussion with Mr. Gomez in reference to our upward
4 modification and our EEOC contract.

5 The only thing I want to add to that,
6 Commissioner Diggs, is that please understand that we
7 deal with also two different fiscal years. And so
8 you're going to have to look at that differently on
9 how we approach the funds that we receive, because
10 EEOC, as you know, is on a federal fiscal year, which
11 is October through September, whereas we fall
12 September through August.

13 So, our fiscal year also allows me to
14 deal with an LBB measure where I have to show those
15 cases that have to be closed as well. No doubt we'll
16 get to our one thousand three cases for our FY '10
17 contract, but we look at how we offset that. And
18 that's how we have further discussion with our state
19 coordinator, Mr. Valdez, in looking at upward
20 modifications.

21 And we -- we do feel confident that they
22 will look to us and -- and -- and appease us, we hope,
23 but we also understand how the Administration was
24 working at that time frame. We have to take a look at
25 the change that happened on the federal side, whereas

1 nothing on the state side really changed for us. So,
2 I just wanted to share that with you as well and --
3 and have you also keep that -- take that under
4 consideration as well.

5 COMM. DIGGS: I think my only point
6 related to it was we weren't able to secure the upward
7 modification for last year.

8 MR. ROBERTSON: Last year.

9 COMM. DIGGS: And so what changed so
10 that we are confident that we would get it for this
11 year.

12 MR. ROBERTSON: Yes, ma'am. And I
13 understand that as well, and -- and -- and if I could
14 just provide you a -- a brief history. When we were
15 TCHR that is how we used to conduct business. We used
16 to have an overload of cases that we could take into
17 the next fiscal year, which would help continue to
18 sustain us.

19 We're in a unique situation here, as an
20 independent division, under TWC reporting to two
21 different sets of Commissioners that we report to,
22 number one, and, number two, how our budget and
23 statutes must intertwine with -- with their -- their
24 statutes as well. And so we -- we -- we keep that
25 in -- in mind. We understand that -- that -- that

1 process, but we also understand how the adjustments
2 need to be made on that.

3 And it is tough on us to be ahead of the
4 schedule and still say you're not going to meet the
5 budget. That's a hard pill to swallow, especially
6 when staff is rocking and rolling. I mean, they're --
7 they're doing their job. And the atmosphere is
8 outstanding. I could speak for that on -- on Team 2,
9 and so I just wanted to make sure that -- that -- that
10 you would take that under consideration, and I -- and
11 I know you did.

12 COMM. DIGGS: Thanks for the
13 clarification.

14 MR. ROBERTSON: You bet.

15 This slide basically depicts employment
16 case inventory. And all I'm going to say is, do you
17 have any questions on it, because we can move right
18 through to the next one?

19 (No response)

20 MR. ROBERTSON: Okay. This slide
21 depicts our second quarter case closures. One of the
22 key things on this particular slide that I just want
23 to point out is that it -- out of those cases result
24 in a merit -- merit resolutions, 127 of those cases
25 were resolved through settlements, which is a -- which

1 is a good thing based on your total no cause findings
2 and your total inventory as well.

3 Next slide.

4 Are there any questions on the age of
5 pending employment cases?

6 CHAIR ANDERSON: I think just -- if you
7 would just focus on anything that's unusual or that
8 you particularly want to point out.

9 MR. ROBERTSON: Well then, I'm good to
10 go there, sir. Those -- those -- I had -- I didn't
11 have anything on age of pending.

12 Just real quick, when we move into the
13 training and monitoring aspect of it, which are the
14 next -- which is the next slide, EEO compliance
15 training conducted --

16 CHAIR ANDERSON: The age of the cases, I
17 guess, the previous --

18 MR. ROBERTSON: Okay.

19 CHAIR ANDERSON: -- anything unusual
20 about that? Anything --

21 (Simultaneous discussion)

22 MR. ROBERTSON: No, sir. Once again,
23 we're -- we're looking at and -- excuse me. No,
24 there's nothing unusual about that at all. Basically,
25 we're looking at our total inventory of increasing and

1 decreasing because those cases that are being closed.
2 As you -- if you compare to the 2008-2009 years, and
3 those cases you look them at a -- at 428 -- 425,
4 excuse me, and 538. And then we go into the first
5 quarter, we see a high increase in our inventory.

6 But as you go through the preceding
7 months -- or the following months you'll see that
8 decrease because of the closures, and -- and the more
9 closures that investigators are -- are closing, keep
10 in mind it's -- it has decreased because I have now
11 lost -- I had six investigators. And so now I have
12 one vacant FTE that's not producing right now. And
13 so, with five investigators as well as a team lead,
14 who is -- who -- who is also closing cases as well.

15 And -- and so, Commissioner Michalka, I
16 wanted to make sure you add that one to revenue
17 producing, because my team lead does still have a
18 caseload, and she is revenue-producing until we get
19 that closed out, where she can totally supervise them
20 completely together. And so -- and we like to keep it
21 that way because of her skills, her experience, and
22 her knowledge that she brings to the table for those
23 cases as well.

24 But with five investigators right now,
25 we're looking at a situation where, you know, these

1 cases, we don't want them to get too much age.
2 They're getting a high -- a higher inventory, and so
3 our -- so we're getting them out as fast as we can but
4 as productive as we can and as accurate as we can.
5 And -- and -- and we are giving the service to the
6 people of Texas with these closures.

7 And so -- so, no, sir, those -- those
8 numbers look about right.

9 COMM. DIGGS: I noted that your average
10 age overall has gone down --

11 MR. ROBERTSON: Yes, ma'am.

12 COMM. DIGGS: -- for your cases.

13 MR. ROBERTSON: Yes, ma'am.

14 COMM. DIGGS: So, that's to be noted.

15 MR. ROBERTSON: And, Commissioner Diggs,
16 you -- you only see us every three months. But let me
17 tell you, you're going to see it increase and spike
18 because of -- of now what has happened, with the loss
19 of that FTE, the increase of those cases for those
20 investigators now has -- as Mr. Gomez indicated a few
21 minutes ago, between 65 and 70. Well, I have two of
22 those investigators who have cases over 70, and then
23 the rest are at 69, 68, and 65, in that area.

24 And so you're going to see the
25 difference there, because it -- it will probably

1 increase in March, you'll see more because of the
2 caseloads that they received from that -- that
3 individual who -- who we lost and that vacant FTE as
4 well as we have to disperse those cases, excuse me,
5 among the five -- among the five investigators.

6 Thank you, Chair, Commissioner Diggs.

7 Any other questions?

8 (No response)

9 MR. ROBERTSON: EEO compliance, excuse
10 me, training conducted. Very quickly, just
11 year-to-date a total of three has been conducted
12 under -- for state agencies and institutions of higher
13 ed, and zero where anything that dealt with our
14 statue.

15 Next slide.

16 EEO and housing presentations, the only
17 increase that we're enjoying there are we are getting
18 more housing presentations, which we consider
19 trainings also through the conciliations from the
20 housing investigators. I want to commend Team 1 Staff
21 for advertising us as they are doing, because those
22 are funds that are coming into our office that will
23 assist and -- and -- and help somewhat deal with our
24 budget, more so under the benefits side of everything
25 else that we deal with and the General Revenue.

1 Next slide.

2 Individuals at events, Commissioners,
3 another LBB measure. It will be met at 650. If
4 you'll see, we're at 6 -- 602. It puts us a little
5 bit over, I think, somewhere close to over 90 percent
6 of meeting that LBB target.

7 CHAIR ANDERSON: Why can't we -- it
8 doesn't seem like we've got enough training business
9 to justify a -- you know, three -- three people in
10 training, two people in training.

11 MR. ROBERTSON: Well, we have two.
12 That's correct.

13 CHAIR ANDERSON: What about changing one
14 of them to an investigator of some kind?

15 MR. GOMEZ: Those two individuals not
16 only do trainings, Chair Anderson, but they also do
17 the reviews for the state agencies and universities.
18 And they also do the firefighter reviews.

19 CHAIR ANDERSON: Okay.

20 MR. GOMEZ: And we did cut it down from
21 three. We did have three up until about three or four
22 years ago --

23 MR. ROBERTSON: Right. Yes, sir.

24 MR. GOMEZ: -- and then we cut it down
25 to two.

1 MR. ROBERTSON: Thank you, sir.

2 Next slide.

3 Personnel policies, I believe that may
4 answer the question that Mr. Gomez just also mentioned
5 as well. Those individuals split these duties on the
6 number of personnel policies we conduct each fiscal
7 year on a six-year rotating basis, as well as all the
8 mandatory EEO training that we do receive from two
9 particular state agencies, as well as dealing with all
10 the requests thereafter.

11 And then the last slide deals with our
12 firefighter reviews, and I'll leave it at -- leave it
13 at that. But I would like to end on a note,
14 basically, in -- in letting you know just a few
15 happenings for Team 2 and how we're dealing with
16 streamlining our intake process, how we're making the
17 process more user-friendly, the -- the training for
18 our intake investigators, although they're not
19 revenue-generated, they are -- they do provide a
20 valuable service that makes sure that the folks -- or
21 that the information that is received when they're
22 calling in or coming -- coming by to see us, that they
23 have the right information and that they're educated
24 enough to understand either you do have a -- a
25 complaint or you don't have a complaint and what would

1 be that process from that point.

2 So, those are some things that we're
3 excited about that's going on Team 2, as well as
4 looking at -- excuse me, our templates being changed
5 around to help further -- easier the process for our
6 mediators who receive a lot of information up front.
7 As you know, when the complaints come in, they are the
8 first one to be seen. That is the first part of our
9 process, and that is where we would like most of
10 our -- our settlements and agreements to go. And --
11 and we've been very fortunate that they have been
12 providing a valuable service for the people of Texas.

13 Lastly, I just want to reiterate what
14 Mr. Gomez indicated, myself, Janet, and Mr. Gomez will
15 be heading to Philadelphia in June. The dates of
16 those are June 8th through the 11th in Philadelphia,
17 and that's the National EEOC FEPA Conference. And I
18 must ditto and concur him, because 90 percent of our
19 conversations or 90 percent of our trying to get their
20 attention is based on funding us, how -- how you --
21 how these FEPAs can survive, especially the larger
22 FEPAs, such as ourselves and other states who have
23 the -- the honor of closing so many cases within their
24 states, how it can better serve us to meet our
25 budgets, to help us continually to do things for our

1 staff, and to also keep them motivated and
2 understanding what our mission is here in the State of
3 Texas, not only on a state level, but a federal level
4 as well.

5 So, with that said, if you have any
6 questions, I'll entertain them now.

7 CHAIR ANDERSON: Well, the federal
8 government doesn't have any money --

9 (Laughter)

10 CHAIR ANDERSON: -- so I don't know
11 we're going to get it from the federal government.

12 The -- do we need to send all those
13 people to -- I mean, well, where is -- where is the
14 cost coming for the travel for those conferences? I
15 see we have a -- a conflict in July with ours because
16 we're going to another conference.

17 MR. ROBERTSON: That's correct.

18 CHAIR ANDERSON: What about just sending
19 one, instead of all -- all the people? Or who pays
20 for those -- these conferences?

21 MR. ROBERTSON: Well, I'll let

22 Mr. Gomez --

23 MR. GOMEZ: We get additional revenue.
24 It doesn't cover all of it, but we do get a different
25 additional revenue from EEOC and HUD to attend these

1 conferences. One of the things that I was going to
2 ask you, Commissioners, if you wanted was information
3 on both conferences, because the last housing
4 conference that we had we did have one of our
5 commissioners, Commissioner Khalifa, that attended.
6 So, if that happens, I guess I'm going to have to flip
7 a coin between Tony and -- and -- and Janet and see
8 who goes and then include one of you Commissioners if
9 you-all want to attend. I was going to send you this
10 information electronically after the meeting.

11 CHAIR ANDERSON: I -- I think that's one
12 of the areas we -- if we're looking at everything, we
13 need to look at travel and where we can cut there,
14 including Commissioners. And I think each one --
15 particularly those of us who come from different
16 distances to see about the cheapest way to -- to get
17 here and to come to -- come to meetings and what we
18 need to do. I know I'm going to look at it from --
19 from my perspective coming from Houston. I'm not
20 going to fly anymore. This is -- is ridiculous cost,
21 so -- anyway -- and I think you-all need to look at
22 that, also, in as far as your travel --

23 MR. GOMEZ: Yes, sir.

24 CHAIR ANDERSON: -- going to these
25 conferences.

1 as housing -- next slide, please -- we have two team
2 leads. One of the team leads is in charge of the ADR
3 program, as well as having three housing investigators
4 on his team. The other team leader, in addition to
5 her other fair housing duties, she also performs the
6 duties as our intake person. And from previous
7 experience, as far as having a caseload, because I did
8 have one and currently I have three cases in my
9 office, it's very difficult to shift from supervising
10 and managing to conducting a housing case that could
11 possibly involve going on-site to visit with the
12 complainant, going on-site to visit with the
13 respondents and respondents' staff, and going on-site
14 to visit with any independent sources that you find is
15 going to help you resolve that housing case.

16 Next slide.

17 Are there any questions pertaining to
18 this slide?

19 CHAIR ANDERSON: Anything unusual about
20 what's happened in the second quarter compared to
21 first quarter, anything previously?

22 MS. COVINGTON: I think Robert has
23 pretty much covered what we're doing in housing. We
24 have been very, very active in housing this fiscal
25 year. We've conducted several different trainings for

1 our Housing staff. Basically, at the start of the
2 fiscal year we started over, which may account for
3 some of the decrease in the housing closures.

4 As Robert stated earlier, these housing
5 cases, even the simple ones turn out sometimes not to
6 be so simple. Design and construction cases, where
7 you have to go on-site and basically look at the
8 blueprints of the housing, take measurements
9 throughout the complex, not just the -- the first
10 floor, you have to measure the office building. If
11 there's a rec center, you have to make sure that's
12 accessible. If there a pool, you have to make sure
13 that's accessible.

14 If it's a mortgage/lending case, you're
15 looking at documents, frankly, that, even though some
16 of us these investigators have bought a house, they
17 don't understand the documents. And so, they have to
18 decipher the meaning of those documents, and they have
19 to gather comparative data, which means you're looking
20 at other folk's mortgage files to see if they were
21 being treated equally and were not being treated
22 differently based on a protected class.

23 We do anticipate seeing some increase in
24 our case resolutions starting this month. And as --
25 as Robert stated earlier, if that does not happen,

1 we've mandated two Saturdays for the month of May. We
2 do have staff who have volunteered to come in this
3 Saturday, also. So, some of the Housing staff will
4 actually be working this Saturday.

5 We have seen a decrease in our housing
6 cases that are over a hundred days. I believe last
7 year this time we had a hundred cases that were over a
8 hundred days old versus what you see now. And these
9 cases continue to be a priority for us.

10 MR. GOMEZ: One of the interesting
11 things -- let me interject here. One of the
12 interesting things -- things that I've -- that I saw
13 with this Monday's meeting with staff was that,
14 previous meetings we were -- the meetings are
15 scheduled from 2:00 to 4:00, because we have some
16 staff that leaves at 4:00 or 4:30. Previous meetings,
17 because of the number of housing cases over a hundred
18 days old, we were finishing the meeting or getting out
19 of the meeting about 4:15, 4:30. I think the first
20 one was like 4:45, Vickie?

21 And this Monday we met from 2:00 to 4:00
22 again, it was scheduled, and we adjourned the meeting
23 at 3:50 because of the number of cases that have gone
24 down that are over a hundred days old. So, the
25 incentive -- in -- in looking at that this past

1 Monday, the incentive I -- I gave staff and because of
2 the requirements we are under with HUD is that, as
3 soon as we achieve the goal of not having any cases
4 over a hundred, then we're not going to meet every
5 Monday. We'll cut it down to every other Monday.
6 That will give them additional time to work on their
7 cases, but the time for the meeting, which entails the
8 same information being provided on each case and --
9 and possible legal assistance from John that we might
10 ask for him to provide, was a lot shorter this Monday.
11 We adjourned, like I say, about 3:50.

12 COMM. DIGGS: Can I ask one quick
13 question? The Saturday sessions, are those to
14 clear -- clear paperwork? What -- what do you get
15 from the Saturday sessions?

16 MS. COVINGTON: On the Saturday sessions
17 they're actually working on their cases, entering
18 information into TEAPOTS. That's the federal system
19 that HUD has on-line across the nation, and that
20 system allows HUD to go in and look at our cases.
21 That's at the regional level and also at the
22 headquarters level, they can review our cases.

23 So, normal investigative work is -- is
24 what they -- what they perform when they come in on
25 the weekends. They call witnesses and conduct witness

1 interviews. They'll contact the complainant. The
2 respondents usually are not available, because most
3 respondents are not at their place of business.
4 However, with good old e-mail, they do e-mail the
5 respondents, and a lot of -- a lot of them do work on
6 the weekends. I guess they have BlackBerries or
7 whatever, so --

8 COMM. DIGGS: Okay.

9 MR. GOMEZ: There are -- sometimes
10 during the week, Commissioner Diggs, there's
11 difficulty in -- in obtaining witnesses or individuals
12 on a regular 8:00 to 5:00 basis on the business days.
13 So, on Saturdays they take advantage of that and then
14 contact individuals at their homes, which is usually
15 the case with witnesses and other individuals that
16 need to be contacted. So, that makes it a little bit
17 easier for the investigators to get ahold of those
18 individuals that they couldn't normally get during the
19 week, during the business week.

20 COMM. DIGGS: Thank you.

21 MS. COVINGTON: What I'd also like to
22 point out is at the end of the second quarter,
23 compared to last year, we were at 40 percent
24 conciliation rate versus 54 percent this year. And I
25 would also like to attribute that to the increased

1 training with our staff. We're very focused on the
2 prima facia elements of a -- of a case, and so
3 almost -- you know, when we sit down and we talk to
4 the investigators, we ask them "What do the prima
5 facia elements show as far as the evidence that you've
6 gathered to date?" And so they're beginning to use
7 that information when they talk with the complainants
8 and the respondents.

9 We also have four to five complaints
10 that are in various stages of being prepared to be
11 sent over to our Legal Department for charges. If
12 these cases do not conciliate, we will be sending them
13 over hopefully by the first of May. Complainants have
14 received more than 50,000 in monetary relief and
15 nonmonetary relief, such as neutral Brunel references,
16 resending debt letters sent to credit reporting
17 agencies, reasonable accommodations and modifications
18 and retrofitting of properties so that they comply
19 with the Fair Housing Act and Texas Fair Housing Act.

20 Public interest relief has also
21 consisted of respondents changing their discriminatory
22 policies and procedures or practices. And to ensure
23 other -- to ensure people, other than the complainant
24 and prospective housing consumers, are not harmed by
25 discriminatory practices. The agreements include

1 terms whereby the respondents agree to ensure that
2 their staff review the terms of the agreement and have
3 their staff attend fair housing training.

4 As Robert said earlier, we've been
5 pretty busy this month. So, I won't go over the
6 information that he's covered as far as outreach.

7 The two new housing investigators
8 attended Week 1 of the National Fair Housing Training
9 Academy this past February, and all Fair Housing Staff
10 attended Accessibility First Training hosted by the
11 Fair Housing Council of Greater San Antonio On April
12 8, 2010. The training consisted of design and
13 construction on multifamily dwellings, reasonable
14 accommodations, and reasonable modifications.

15 And there was some discussion earlier
16 about training and travel. As far as the HUD
17 training, it is mandated in our agreement with HUD to
18 include the number -- or the funding that they will
19 reimburse us for and the funding also for the
20 conference that's scheduled.

21 Our Team Lead Ray Hammerth is scheduled
22 to attend Week 5 of the National Fair Housing Training
23 Academy in May, and this will result in his receiving
24 his certification from the Academy. Other Fair
25 Housing Staff will attend towards the end of the

1 fiscal year.

2 HUD Office of Fair Housing and Equal
3 Opportunity will hold its 2010 National Fair Housing
4 Conference July 19th through July 23, and it's going
5 to be held in New Orleans or New Orleans.

6 (Laughter)

7 MS. COVINGTON: HUD should be providing
8 more details in the coming weeks. We also distributed
9 the "Did you know?" And each one of you should have
10 received a copy.

11 And at the last meeting we told you that
12 we didn't get the grant we applied for and would like
13 to pursue other cost-effective outreach activities to
14 let housing consumers know of their rights and housing
15 providers know of their responsibilities. In addition
16 to the activities that we've already talked about, we
17 plan to work with HUD in our Communications Department
18 to develop and install a billboard -- that's all we
19 can afford, one billboard -- as well as develop and
20 distribute a PSA. We plan to use our FHIP and other
21 Fair Housing partners to help us distribute the PSA
22 throughout the State of Texas.

23 Are there any questions?

24 (No response)

25 CHAIR ANDERSON: Seeing none, let's move

1 on.

2 MR. GOMEZ: Okay. Thank you, Vickie.

3 MS. COVINGTON: Thank you.

4 COMMISSIONERS: Thank you, Vickie.

5 AGENDA ITEM NO. 7

6 MR. GOMEZ: Okay.

7 CHAIR ANDERSON: Briefly. Briefly cover
8 the --

9 MR. GOMEZ: The Activity-Based
10 Management Review. We did get the final ABM Review to
11 CRD back on March 1st, I believe. And then,
12 subsequent to that, I believe, Chair Anderson, you
13 distributed that to the Commissioners. So, at this
14 point in time, I'd like to address any questions that
15 you-all might have on the ABM, the Activity-Based
16 Management Review.

17 And we do have a representative from the
18 Auditing Division here, the TWC Auditing Division,
19 that might answer any questions or provide additional
20 information that you might want clarified.

21 CHAIR ANDERSON: Did all the
22 Commissioners get a copy of that ABM Report?

23 THE COMMISSIONERS: (Nodding)

24 CHAIR ANDERSON: Is there anything
25 that -- that came out of that review and that audit

1 that -- it was -- correct me if I'm wrong, but it was
2 basically informational, rather than "Thou shalt --
3 must do (inaudible)." Is that correct or --

4 MR. GOMEZ: Yes, sir. Answering on --
5 on my part, yes, sir, that's exactly it. Because on
6 most of those issues that were -- that we had to
7 provide a management response, most of it were a
8 continuation of what we were doing. Things were
9 already in process. We had achieved some of those
10 activities or some of those issues that were raised
11 and -- and were in the process. Some of them were out
12 of our realm of -- of control or area of -- of us
13 being able to -- to do anything about.

14 So, we did respond to that, and we will
15 continue to work with staff and -- and work on address
16 addressing these issues.

17 Larry -- this is Larry from Auditing.

18 MR. SCHROEDER: Larry Schroeder with the
19 Internal Audit Department.

20 As Robert said, and as you indicated,
21 the project was primarily about information coming
22 from the staff. As you know, from the budget talks
23 that you had, our main focus is trying to do more with
24 less. And that's what the ABM Project was all about,
25 to get perspectives from the staff on what their

1 perceived roadblocks are, what their perceived
2 inefficiencies are, so that we could communicate those
3 back to management.

4 Robert Gomez was very open to the ideas
5 as we brought them -- them back to him. As he said,
6 not all of them are feasible, but there -- these are
7 things that staff perceived to be happening that
8 potentially could be made more efficient to, perhaps,
9 recognize cost savings so you can do exactly that,
10 more with less.

11 CHAIR ANDERSON: Was there any kind of
12 matrix or any kind of process, check, I guess, on what
13 duties are being done here that are duplicated or
14 somebody else is doing or did you end up sending
15 the -- the same piece of information back through the
16 cycle two or three times or any -- was that -- was
17 that part of the process?

18 MR. SCHROEDER: The Civil Rights staff
19 was broken up into three groups. We did Housing,
20 Employment, and Training staff in three separate
21 workshop sessions. So, each of those groups somewhat
22 dictated to us how they wanted to arrange their job
23 duties, to explain them best, because the information
24 coming from them, we wanted them to tell us, how do
25 you arrange this, where -- what are your activities,

1 what are your perceived efficiencies. Any overlap
2 that was recognized by the staff was communicated in
3 there. We would get from each of the groups, and any
4 of that overlap we would put back into the report to
5 show, you know, here -- here the group is questioning
6 why is this happening over here or why isn't this
7 happening over here.

8 And sometimes, you know, the staff
9 doesn't have the whole picture, because they're
10 focused on one -- one piece of it. And that's where
11 the communication came in good for Robert to see
12 that's what their perspective was. Maybe that's where
13 more training was needed, and -- and I think he did a
14 pretty good job of taking it back to the staff and
15 trying to address what they perceived their needs
16 were.

17 CHAIR ANDERSON: Okay.

18 Did it -- did it meet your needs,
19 Robert, and your staffs' needs? Or did it come up
20 short in certain areas or --

21 MR. GOMEZ: Well, as Larry started --
22 and I'll state again -- that, you know, I appreciated
23 them coming in and -- and finding -- or, you know,
24 talking to staff and -- and getting that information
25 to us. I know that when we met afterwards on the exit

1 conference, I guess you might call it, on the final
2 conference before the draft report was sent out and --
3 and waiting for our response, in our discussions with
4 Larry and -- and other staff with Auditing, you know,
5 we realized that some of those things we were already
6 in the process of doing or we had done or we had
7 addressed or were -- were not in our purview, just as
8 Larry stated.

9 So, along those lines, it kind of
10 emphasized what we had already done, emphasized that
11 we had done that correctly in -- in the eyes of the
12 staff and that we could possibly attempt to use our
13 support services to do more for our staff, along the
14 lines obtaining another fax machine, obtaining another
15 printer, which was one of the issues, so on and so
16 forth. So, it kind of gave us that indication as to
17 what direction to go or what we had to tap in order to
18 address some of those issues that were not under our
19 purview that we could do for staff.

20 CHAIR ANDERSON: Other Activity-Based
21 Reviews I've seen they're -- you know, they come up
22 with -- with an evaluation that determined some, I
23 guess, cost savings and more -- more efficiencies.
24 Did -- did that occur in this -- in this case? Were
25 you able to --

1 MR. SCHROEDER: I think the big
2 difference would be that we did not actually go in and
3 audit any of these areas that the staff were bringing
4 forward as issues. So, I -- I can't tell you directly
5 that -- that something that the staff said here is
6 actually happening. Again, perspective is -- is the
7 key word here. The staff perceived that these things
8 were happening. This is how it felt to them.

9 We did not go back and look at the
10 statistics, look at what was actually going on or --
11 or put any stamp of approval on it. It was merely
12 taking the information from them and then
13 communicating it back to Robert so he could take it
14 and figure out, "Okay. Where are our training needs
15 at? Where are our inefficiencies at that we could
16 possibly" --

17 CHAIR ANDERSON: If it's on your agenda,
18 I'd like to see some -- some hard, you know, numbers
19 rather than -- I won't call them "warm and fuzzy," but
20 you know, some -- the perceptions from employees but
21 actually what -- what can be done and what can --
22 efficiencies and cost savings be accomplished. I
23 don't know where that is on your list of priorities in
24 the agenda, but certainly for the CRD, obviously,
25 you've been here all day and you've heard us talk

1 about the cost and -- we've got a small budget. So, a
2 little hiccup one way or the other really has a
3 dramatic impact on -- on the CRD. SO --

4 MR. GOMEZ: One of the responses, Chair
5 Anderson, that I'd like to share with you is that, you
6 know, we mentioned we had the IT specialist,
7 individual that works for our division that is under
8 our division. When that issue of the fax machine, we
9 had an old fax machine that was there. So, what he
10 did was he used that one, worked with the IT support
11 that we have within TWC, was able to use a line that
12 was available there and actually set up that old
13 machine and trying to find repair parts for that
14 machine. So, we set that up.

15 Another thing that we had was available
16 on -- as far as faxing from the -- the copier that we
17 have there. And he was able to automate that system
18 so individual staff from their desk, from their PC,
19 had the ability to fax from their -- from their PCs.
20 So, that addressed that, also.

21 But items such as that that were under
22 our purview that we could address, we did address it.
23 And, of course, always consciously aware of the fact
24 that, you know, in certain areas we don't have the
25 funding to go out there -- for example, just go out

1 there and buy a new fax machine, which we couldn't.
2 So, we kind of worked with that and -- and did the
3 best we could in addressing that particular issue.

4 And the others, as I stated before, I
5 appreciate Auditing coming in doing the ABM, because
6 it kind of emphasized the fact that we had done and
7 would continue to do what we needed to do to address
8 those other issues that staff perceived were not being
9 done or were not being done to the point that they
10 wanted them to be done.

11 MS. BENTON: Commissioners, I'm Joann
12 Benton. I'm the Director of Internal Audit, and I did
13 hear you say that -- we will put this back on the risk
14 assessment for next year beginning in September to
15 find the risks related to the continued lack of
16 funding to meet the budget needs. We can -- we can
17 look at that, identify that, and go back in and do
18 some actual audit work in -- within -- within the
19 Civil Rights Division to see if we can pinpoint some
20 areas of efficiency.

21 CHAIR ANDERSON: Great. Great.
22 Appreciate it.

23 Did you have something?

24 COMM. DIGGS: So, that would -- can you
25 give me the time frame for when that would happen?

1 MS. BENTON: Our Audit Plan is effective
2 from September -- begins in September and goes -- you
3 know, it's on a fiscal-year basis. So, we could
4 certainly prioritize it towards the beginning of the
5 fiscal year.

6 COMM. DIGGS: That would be helpful.

7 MS. BENTON: Okay.

8 COMM. DIGGS: Thank you.

9 CHAIR ANDERSON: Any other comments or
10 discussion points for the -- on the ABM from the
11 Internal Auditing?

12 (No response)

13 CHAIR ANDERSON: Okay. Thank you, both.

14 MR. GOMEZ: Larry, thank you.

15 Appreciate that.

16 That concludes our presentation and
17 reporting on my duties and also Housing and Employment
18 Enforcement and, of course, the ABM that we just
19 discussed. So, at this point in time, I will take any
20 questions, and that concludes my report.

21 AGENDA ITEM NOS. 8 & 9

22 CHAIR ANDERSON: Okay. I want to talk
23 about some action items. And then, one of the things
24 we need to talk about is the -- Item No. 9, which is
25 the next meeting, which is due on July 21st. There is

1 a housing -- National Housing Conference in July 20 --
2 20th -- the 23rd of July in New Orleans. So, staff --
3 Management -- Executive Staff, I guess, for CRD is not
4 going to be available. Is that -- is that what you're
5 telling me?

6 MR. GOMEZ: Yes, sir. The date for the
7 2010 National Fair Housing Policy Conference in
8 New Orleans will be July 19th through July 23rd.

9 CHAIR ANDERSON: What about the week
10 prior, Commissioners?

11 (No response)

12 CHAIR ANDERSON: We could do June.

13 (Discussion off the record)

14 CHAIR ANDERSON: August, fiscal year
15 ends in August. Right?

16 MR. GOMEZ: Yes, sir.

17 CHAIR ANDERSON: Okay. June -- same --
18 the third week, the 16th? June 16th. Do I have a
19 motion that we move the meeting to June 16th?

20 COMM. MICHALKA: So moved.

21 CHAIR ANDERSON: Second?

22 COMM. DIGGS: Second.

23 CHAIR ANDERSON: All in favor, aye?

24 (Those in favor of the motion so
25 responded)

1 CHAIR ANDERSON: All right. June 16th.

2 And the other action items, I'm going to
3 cover them real quickly.

4 We already discussed the ABM, which was
5 the first action item that -- that was listed for --
6 from last time.

7 The e-mails provided on February 22nd,
8 2010.

9 Commissioner Michalka suggested the
10 issue discussed over the phone concerning a process
11 for an exit interview be put in writing to
12 Mr. Sweeney.

13 Chair Anderson advised that a paragraph
14 could be put in the response that will be sent to HUD,
15 and that was -- that was done. Correct?

16 MR. GOMEZ: Yes, sir.

17 CHAIR ANDERSON: Okay.

18 Mr. Gomez noted that he will send a copy
19 of the City of Austin agenda to the Commissioners when
20 he gets it. And that was done?

21 MR. GOMEZ: Yes, sir.

22 CHAIR ANDERSON: If I'm going through
23 here and any of the Commissioners say, "no," please
24 speak up.

25 (Laughter)

1 CHAIR ANDERSON: Chair Anderson stated
2 that there needs to be a plan wherein the numbers are
3 in balance before the budget year. We discussed that
4 today, and we'll discuss that in Closed Session, those
5 that has to do with performance related -- right,
6 Susanna, as long as it's related to the performance,
7 we can discuss it in Closed Session. Right?

8 MS. HOLT: As long as it's related to
9 the performance of the Director.

10 CHAIR ANDERSON: Okay. Director and
11 Staff. Right? Or did you not -- did we not check
12 that?

13 (Brief pause)

14 CHAIR ANDERSON: Item No. 2 on the
15 Executive Session, we didn't check, but we could.
16 Right?

17 MS. HOLT: Yes. They're both included
18 on the Executive Session announcement. So, if you
19 intend to discuss budget with respect to both the
20 director and staff, you just would announce both
21 items.

22 CHAIR ANDERSON: All right. I will.

23 Commissioner Osterhout inquired why
24 there was such a big increase in the total budget and
25 other operating expenses from 2009 to 2010, and that

1 been some training being conducted. Is that correct,
2 Brenda and Robert?

3 MS. NICHOLS: (Nodding)

4 MR. GOMEZ: Yes, sir.

5 CHAIR ANDERSON: Consistent with that
6 plan that you all put together in January.

7 MR. GOMEZ: Yes, sir, both management
8 and staff.

9 CHAIR ANDERSON: Does that need to be
10 revisited based on what we talked about today as far
11 as the budget? Do we need to look at that and say
12 maybe that time could be better spent closing cases?

13 MR. GOMEZ: Yes. Yes, sir. The
14 training is -- is -- excuse me. The training is being
15 requested and is being approved along the lines of the
16 need for the time to be spent on case closures. Yes,
17 sir.

18 CHAIR ANDERSON: Okay. Well, you and
19 Brenda work that out and her staff on whether we do
20 more this year or do less -- not more, do less or just
21 hold it until 2011. And hopefully things will be a
22 little bit better --

23 MR. GOMEZ: Yes, sir.

24 CHAIR ANDERSON: -- as far as finances.

25 I'd like to suggest that the action

1 items for the next time we meet, which will be in
2 June, monitor involve the Austin -- the Commissioners
3 who are located in the Austin area in the -- in the
4 monthly budget discussions.

5 Come up with solutions for the financial
6 issues that were discussed. We will discuss a little
7 bit more in Executive Session.

8 And then review the revenue and
9 nonrevenue ratio of employees in the TCHR.

10 Any other action items that
11 Commissioners would like to include for -- to be
12 addressed?

13 (No response)

14 CHAIR ANDERSON: Seeing none, anything
15 other than going into Executive Session that we need
16 to discuss?

17 (No response)

18 AGENDA ITEM NOS. 10 & 11

19 CHAIR ANDERSON: Okay. Let me get my
20 sheet of paper.

21 Okay. Commission on Human Rights
22 Executive Session, April 21st, 2010. We are now going
23 into Executive Session pursuant to Government Code
24 Section 551.074(a)(1) to discuss the appointment,
25 employment, evaluation, reassignment, duties,

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

4 In addition, we're going into Executive
5 Session pursuant to Government Code 5 -- Section
6 551.074 to discuss the appointment, employment,
7 evaluation, reassignment, duties, accomplishments,
8 performance, goals, and responsibilities of the
9 executive staff and other personnel.

10 Additionally, we are now going into
11 Executive Session pursuant to Government Code Section
12 551.071 (1) and (2) concerning contemplated litigation
13 or the pending litigation of the following cases:
14 Texas Commission on Human Rights, et al., versus
15 Marilou Morrison; John Benavides, et al. versus Texas
16 Commission on Human Rights, Border FHA versus Cliff
17 Terrance Apartments, Texas Workforce Commission-Civil
18 Rights Division versus Raymond Henshaw and Mark
19 Henshaw; and Texas Workforce Commission-Civil Rights
20 Division versus Tsokos.

21 Do we read that last one, the item,
22 Agenda 10c where we're seeking advise of attorney?

23 MS. HOLT: (Nodding)

24 CHAIR ANDERSON: Okay. Agenda 10c where
25 the Commissioners seek advice of the attorney as

1 privileged communications under the Texas Disciplinary
2 Rules of Professional Conduct of the State Bar of
3 Texas.

4 And the Commission on Human Rights is
5 now in -- is in Closed Session on April 21st, and the
6 time is 11:08.

7 (Executive Session: 11:08 a.m. to
8 12:47 p.m.)

9 CHAIR ANDERSON: We are back on the
10 record. The Executive Session started at 11:08 and
11 concluded at 12:47. There was no action to be taken.
12 The next meeting will be June 16th at 9:00 a.m. In
13 the meantime, Commissioner Diggs will be working with
14 you and getting in May for the performance budget
15 guidance and discussions.

16 That being said, the Civil Rights
17 Division meeting is closed at 12:50.

18 (Meeting adjourned: 12:50 p.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

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

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

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and seal this day of 2010.

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22 JANIS SIMON
23 Certified Shorthand Reporter
24 CSR No. 7076 - Expires 12/31/11
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