

TEXAS WORKFORCE COMMISSION



Commission on Human Rights 2010 Annual Report



Texas Workforce Commission Mission

To promote and support an effective workforce system that offers employers, individuals, and communities the opportunity to achieve and sustain economic prosperity.



**FY 2010
COMMISSION ON HUMAN RIGHTS
ANNUAL REPORT**



PERIOD COVERED

SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2010

PREPARED BY

TEXAS WORKFORCE COMMISSION, CIVIL RIGHTS DIVISION

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Commission on Human Rights

January 2011

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

SUBJECT: FY 2010 Commission on Human Rights Annual Report

Dear Governor Perry:

Enclosed is the Fiscal Year (FY) 2010 Commission on Human Rights Annual Report prepared by the Texas Workforce Commission's Civil Rights Division.

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

We hope that you find the report valuable. Please do not hesitate to contact us should you have any questions regarding the report.

Sincerely,

Handwritten signature of Thomas Anderson in black ink.

Thomas Anderson, JD, SPHR
Chairman
Commissioner for Industry

Handwritten signature of John H. James in black ink.

John H. James
Commissioner for the Public

Handwritten signature of Veronica V. Stidvent in black ink.

Veronica V. Stidvent
Commissioner for the Public

Handwritten signature of Michelle H. Diggs in black ink.

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Travis A. Morris
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Handwritten signature of Shara Michalka in black ink.

Shara Michalka
Commissioner for the Public

Handwritten signature of Danny L. Osterhout in black ink.

Danny L. Osterhout
Commissioner for Labor

Commission On Human Rights Annual Report
Covering
State Agencies And Institutions Of Higher Education And
Statewide Data Relating To Employment & Housing Discrimination Cases
Filed And Closed

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I. Purpose

Texas Labor Code § 21.003(d) requires CRD to submit an annual report to the Governor, the Legislature, and the Legislative Budget Board in compliance with Texas Labor Code § 21.504 and Texas Labor Code § 301.156 and combines the following reporting statutory requirements.

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

II. Methodology

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

The data used to report the total number of African Americans, Hispanic Americans, females and other persons hired for each job category, by an agency, for the previous fiscal year was extrapolated from the Office of the Comptroller, Human Resources Information System (HRIS). The Office of the Comptroller, in conjunction with the Texas Workforce Commission Civil Rights Division, developed a computerized program for transmission of data. The data in this report covers fiscal year 2010.

Analysis of Statewide Employment Complaints Filed by Basis and Issue:

The Equal Employment Opportunity Commission (EEOC) provided statewide (combined CRD, EEOC, and local commissions) employment complaints filed data for September 1, 2009, through August 31, 2010. Using the data from EEOC, the CRD analyzed employment complaints filed by the basis of the complaint, including sex, race, color, age, disability, national origin, religion, retaliation, and genetic information by converting the totals for each category into percentages. The CRD also analyzed employment complaints filed by issue, including discharge, terms and conditions, sexual harassment, promotion, hiring, demotion, layoff, wages, reasonable accommodation, benefits, discipline, harassment, and language/accents by converting the totals in each category to percentages. The CRD then compared the complaints filed with the CRD with those filed statewide by issue and basis of the complaint.

Analysis of Statewide Employment Cases Closed by Type:

The Equal Employment Opportunity Commission provided statewide (combined CRD, EEOC, and local commissions) employment cases closed data for September 1, 2009, through August 31, 2010. The CRD analyzed employment cases closed by the reason for closure, including findings or determinations of cause or no cause, successful conciliation, right to sue issued, complaint withdrawn after resolution, no-fault settlement, failure to cooperate by the complainant, lack of jurisdiction, failure to locate, and charging party withdrawal by converting the totals to percentages. The CRD compared reasons for employment case closures filed with the CRD with reasons for statewide case closures.

Average Processing Time for Employment Complaints Resolved:

The CRD extracted the average processing time for employment cases closed from the CRD's Integrated Mission System (IMS) on dually filed cases as the State of Texas' Fair Employment Practice Agency (FEPA) partner with the EEOC.

Analysis of Statewide Housing Complaints Filed by Basis and Issue:

HUD provided statewide (combined CRD, HUD, and local commissions) housing complaints filed data for September 1, 2009, through August 31, 2010. Using the data from HUD, the CRD analyzed complaints filed by the basis of the complaint, including sex, race, color, disability, national origin, religion, and familial status by converting the totals to percentages. The CRD also analyzed housing complaints filed by issue, including terms and conditions, refusal to rent or sell, discriminatory financing or advertising, and false representation. The CRD compared housing complaints filed with the CRD by basis and issue with the complaints filed statewide by basis and issue.

Analysis of Statewide Housing Cases Closed by Type:

The US Department of Housing and Urban Development provided statewide (combined CRD, HUD, and local commissions) housing cases closed data for September 1, 2009, through August 31, 2010. Using data provided by HUD, the CRD analyzed housing cases closed by the type of case closure. The CRD also included these determining factors in the report, findings or determinations of cause or no cause, successful conciliation, complaint withdrawn after resolution, no-fault settlement, failure to cooperate by the complainant, lack of jurisdiction, failure to locate, and complainant withdrawal by converting the totals to percentages. The analysis compared housing cases closed by CRD with cases closed statewide by reason for closure.

Average Processing Time for Housing Complaints Resolved:

The CRD extracted the average processing time for housing complaints from the HUD's Title Eight Automated Paperless Office Tracking System as the State of Texas' Fair Housing Assistance Program (FHAP) partner with HUD.

III. Results and Observations

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

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

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

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

Employment complaint data by basis for CRD and statewide are indicated in Chart 1 and Table 1. The majority of employment complaints filed by basis with the CRD and statewide during FY 2010 (Fiscal Year) were based on sex: 17.9% for CRD and 18.6% for statewide. The percentage of complaints based on race was 19.9% for statewide and 16.4% for CRD. Other complaints filed by basis in significant numbers include disability (17.6% with CRD and 13.2% statewide), age (16.1% with CRD and 13.8% statewide), and retaliation (16.1% with CRD and 23.0% statewide). There were no complaints filed on the basis of genetic information with CRD and 8 were filed statewide.

Employment complaint data by issue for CRD and statewide are indicated in Chart 2 and Table 2. The majority of employment complaints filed by issue with the CRD and statewide during FY 2010 consisted of discharge (28.8% for CRD and 33.3% statewide). Other issues in significant numbers include terms and conditions: (11.5% with CRD and 12.3% statewide); sexual harassment 6.0% with CRD and 5.1% statewide); and harassment (14.5% with CRD and 11.6% statewide).

CRD and statewide employment case closure data is shown in Chart 3 and Table 3. The majority of employment cases closed statewide and with the CRD were closed with no cause findings, 63.9% for CRD and 68.3% statewide. However, 20.0% of employment cases closed with CRD and 15.2% of employment cases closed statewide were closed with “merit resolutions.” Employment merit resolutions are defined as cases with outcomes favorable to complainants and/or charges with meritorious allegations. These include cause findings, successful conciliations, withdrawals with settlement, and no-fault settlement agreements.

The average processing time for employment complaints resolved by the CRD in FY 2010 was 156 days.

CRD and statewide housing complaint data by basis of complaint is shown in Chart 4 and Table 4. The majority of housing complaints filed by basis with the CRD and statewide during FY 2010 were based on disability, (36.7% filed with CRD and 38.5% filed statewide). Other complaints filed in significant numbers include race (29.2% with CRD and 29.1% statewide); familial status (12.1% with CRD and 7.9% statewide); and national origin (11.8% with CRD and 10.6% statewide).

CRD and statewide housing complaint data by issue is shown in Chart 5 and Table 5. The majority of housing complaints filed with CRD and statewide consisted of terms and conditions, (51% for CRD and 52.3% statewide). The only other issues filed in significant numbers are reasonable accommodations (12.1% with CRD and 12.5% statewide) and refusal to sell (11.2% with CRD and 9.1% statewide).

CRD and statewide housing case closure data is shown in Chart 6 and Table 6. The majority of housing cases closed statewide were closed as no cause (37.8%) compared to 33.8% closed as no cause by CRD. The majority of housing cases closed by CRD were closed as successful conciliations (35%) compared to 27.4% statewide. CRD closed 16.3% as withdrawal with settlement compared to 21.9% closed statewide. CRD issued one charge during the fiscal year. Statewide, 48.5% of closures resulted in merit resolutions compared to 51.6% closed by CRD. Housing merit resolutions include cause findings, successful conciliations, and withdrawals with settlement.

The average processing time for housing complaints resolved by the CRD for FY 2010 was 167 days.

Individuals continue to experience housing discrimination. The CRD will continue its enforcement efforts and will continue to reach out to housing consumers, housing providers, and other housing stakeholders. Special emphasis will be placed on prevention of housing discrimination based on disability, race, and national origin, and in the areas of terms and conditions, reasonable accommodation, and refusal to sell.

IV. Acknowledgments

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

Attachment

STATE OF TEXAS
 STATEWIDE REPORTING GROUP
 ANNUAL REPORT - STATEWIDE NEW HIRE/WORKFORCE SUMMARY
 FINAL
 FOR 09/01/2009 THROUGH 08/31/2010

----- STATEWIDE AGENCY NEW HIRES -----

CODE	JOB CATEGORY	TOTAL NUMBER OF NEW HIRES	TOTAL NUMBER OF AFRICAN AMERICANS	TOTAL NUMBER OF HISPANIC AMERICANS	TOTAL NUMBER OF FEMALES	TOTAL NUMBER OF OTHERS
A	OFFICIALS/ADMINISTRATORS	1010	89	131	453	457
C	ADMINISTRATIVE SUPPORT	5913	1024	1738	5011	482
M	SERVICE/MAINTENANCE	7535	2622	2116	4434	1201
P	PROFESSIONALS	23886	2844	3620	13628	8007
Q	PARA-PROFESSIONAL	1508	263	427	932	363
R	PROTECTIVE SERVICES	9077	2707	1922	4142	2773
S	SKILLED/CRAFT	730	56	150	60	483
T	TECHNICIANS	6305	776	1228	3649	2000
	TOTALS	55964	10381	11332	32309	15766

----- STATEWIDE AGENCY WORKFORCE -----

CODE	JOB CATEGORY	TOTAL NUMBER OF EMPLOYEES	TOTAL NUMBER OF AFRICAN AMERICANS	TOTAL NUMBER OF HISPANIC AMERICANS	TOTAL NUMBER OF FEMALES	TOTAL NUMBER OF OTHERS
A	OFFICIALS/ADMINISTRATORS	16289	1685	2199	8243	6376
C	ADMINISTRATIVE SUPPORT	40941	7840	11781	35914	2630
M	SERVICE/MAINTENANCE	29447	9599	9115	16192	5404
P	PROFESSIONALS	155800	17568	24407	87094	53961
Q	PARA-PROFESSIONAL	11575	2253	3444	8923	1514
R	PROTECTIVE SERVICES	51148	15110	10873	22254	16052
S	SKILLED/CRAFT	10525	822	2577	514	6802
T	TECHNICIANS	33961	4889	7356	18252	11060
	TOTALS	349686	59766	71752	197386	103799

Charts/Tables

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

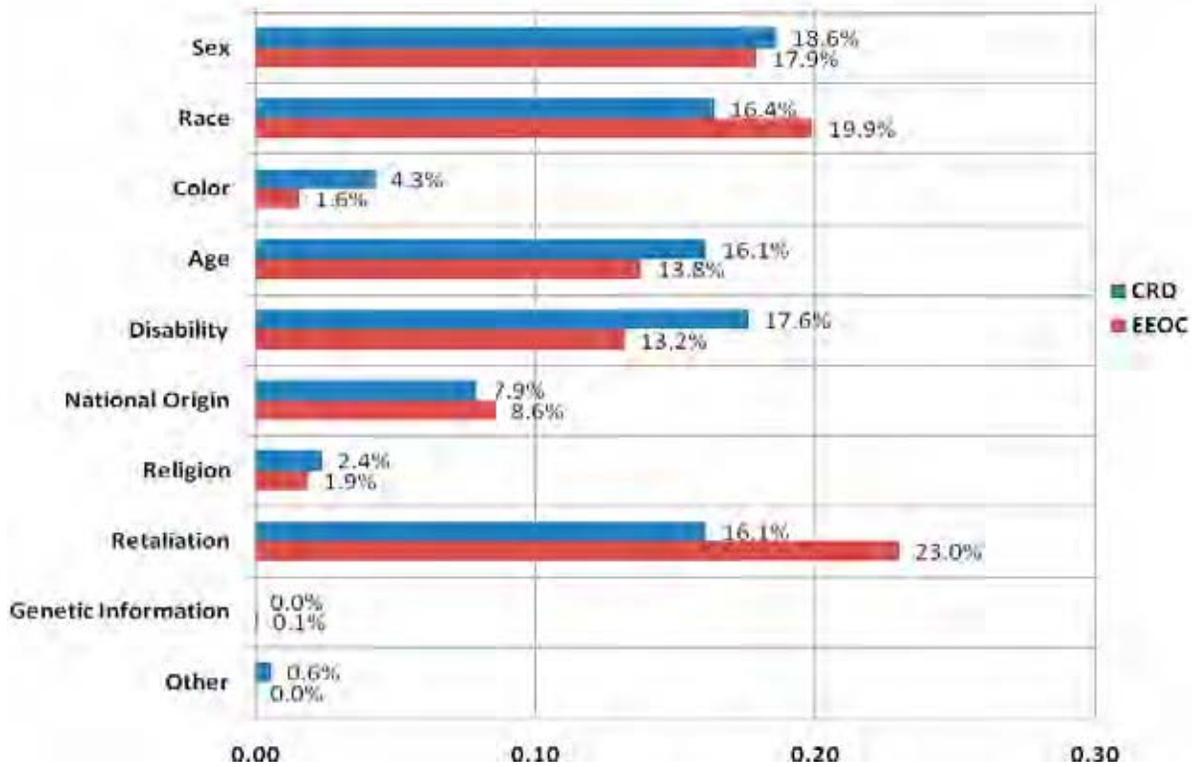


Table 1. CRD and Statewide Employment Complaints Filed

BASIS	CRD		BASIS	EEOC	
	NUMBER	PERCENTAGE		NUMBER	PERCENTAGE
Sex	338	18.6%	Sex	2,813	17.9%
Race	299	16.4%	Race	3,114	19.9%
Color	78	4.3%	Color	258	1.6%
Age	292	16.1%	Age	2,162	13.8%
Disability	320	17.6%	Disability	2,068	13.2%
National Origin	144	7.9%	National Origin	1,348	8.6%
Religion	44	2.4%	Religion	302	1.9%
Retaliation	292	16.1%	Retaliation	3,605	23.0%
Genetic Information	0	0.0%	Genetic Information	8	0.1%
Other	11	0.6%	Other	1	0.0%
TOTAL	1,818	100%	TOTAL	15,679	100%

Chart 2. Statistical Analysis of Employment Complaints Filed by Issue

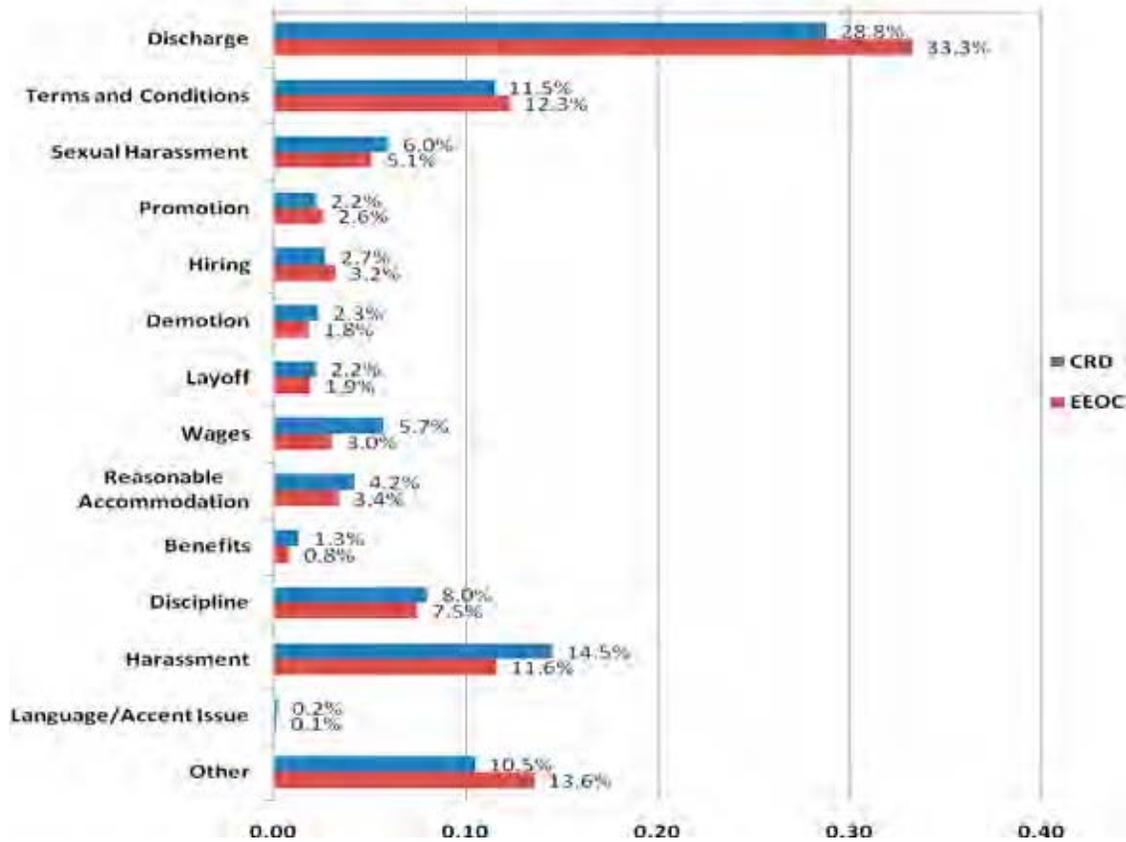


Table 2. CRD and Statewide Employment Complaints Filed

CRD			EEOC		
ISSUES	TOTAL	PERCENTAGE	ISSUES	TOTAL	PERCENTAGE
Discharge	594	28.8%	Discharge	5,522	33.3%
Terms & Conditions	238	11.5%	Terms & Conditions	2,045	12.3%
Sexual Harassment	124	6.0%	Sexual Harassment	843	5.1%
Promotion	45	2.2%	Promotion	433	2.6%
Hiring	55	2.7%	Hiring	531	3.2%
Demotion	48	2.3%	Demotion	291	1.8%
Layoff	45	2.2%	Layoff	316	1.9%
Wages	117	5.7%	Wages	502	3.0%
Reasonable Accommodation	86	4.2%	Reasonable Accommodation	568	3.4%
Benefits	26	1.3%	Benefits	94	0.8%
Discipline	164	8.0%	Discipline	1,238	7.5%
Harassment	298	14.5%	Harassment	1,915	11.6%
Language/Accent Issue	5	0.2%	Language/Accent Issue	14	0.1%
Other	216	10.5%	Other	2,258	13.6%
TOTAL	2,061	100%	TOTAL	16,570	100%

Chart 3. Statistical Analysis of Closed Employment Cases by Type of Closure

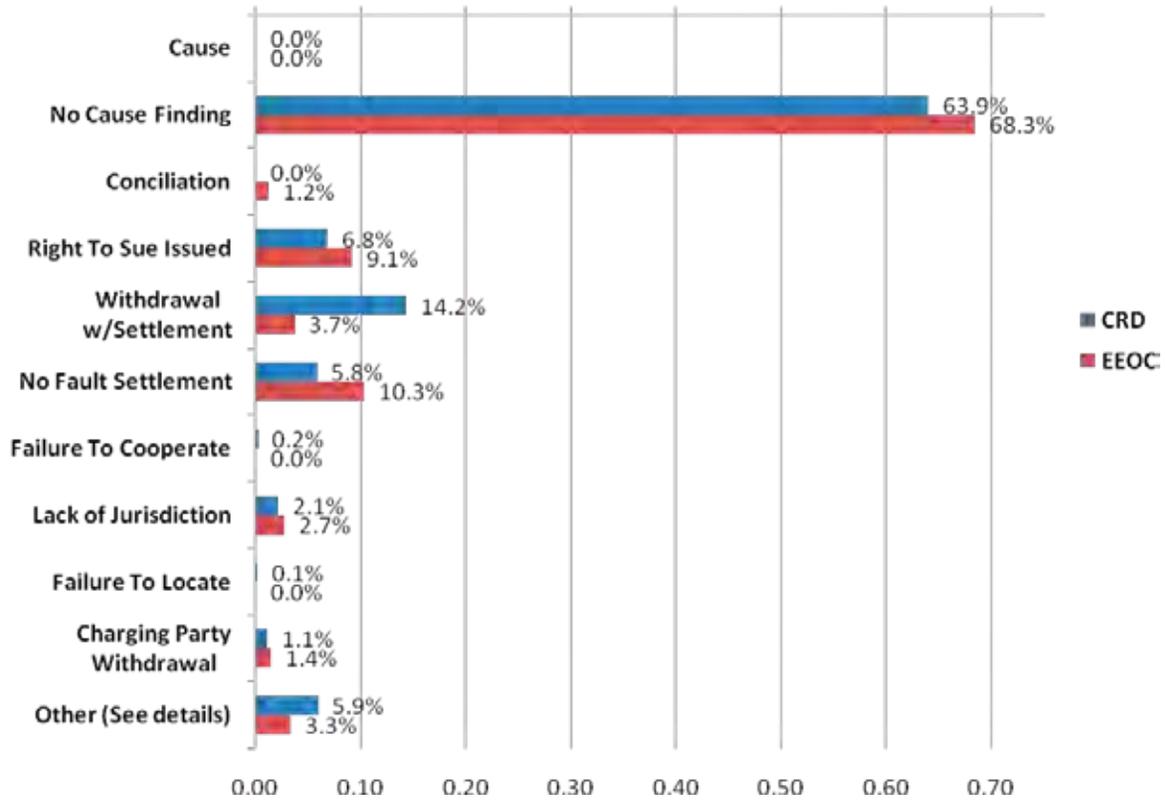


Table 3. CRD and Statewide Employment Closures

CRD			EEOC		
CLOSURE TYPE	TOTAL	PERCENTAGE	CLOSURE TYPE	TOTAL	PERCENTAGE
Cause	0	0.0%	Cause	0	0.0%
No Cause Finding	650	63.9%	No Cause Finding	7,087	68.3%
Conciliation	0	0.0%	Successful Conciliation	129	1.2%
Right To Sue Issued	69	6.8%	Right To Sue Issued	946	9.1%
Withdrawal w/Settlement	145	14.2%	Withdrawal w/Settlement	386	3.7%
No Fault Settlement	59	5.8%	No Fault Settlement	1,067	10.3%
Failure To Cooperate	2	0.2%	Failure To Cooperate	4	0.0%
Lack of Jurisdiction	21	2.1%	Lack of Jurisdiction	277	2.7%
Failure To Locate	1	0.1%	Failure To Locate	4	0.0%
Charging Party Withdrawal	11	1.1%	Charging Party Withdrawal	145	1.4%
Other (See details)	60	5.9%	Other (See details)	343	3.3%
TOTAL	1,018	100%	TOTAL	10,388	100%

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

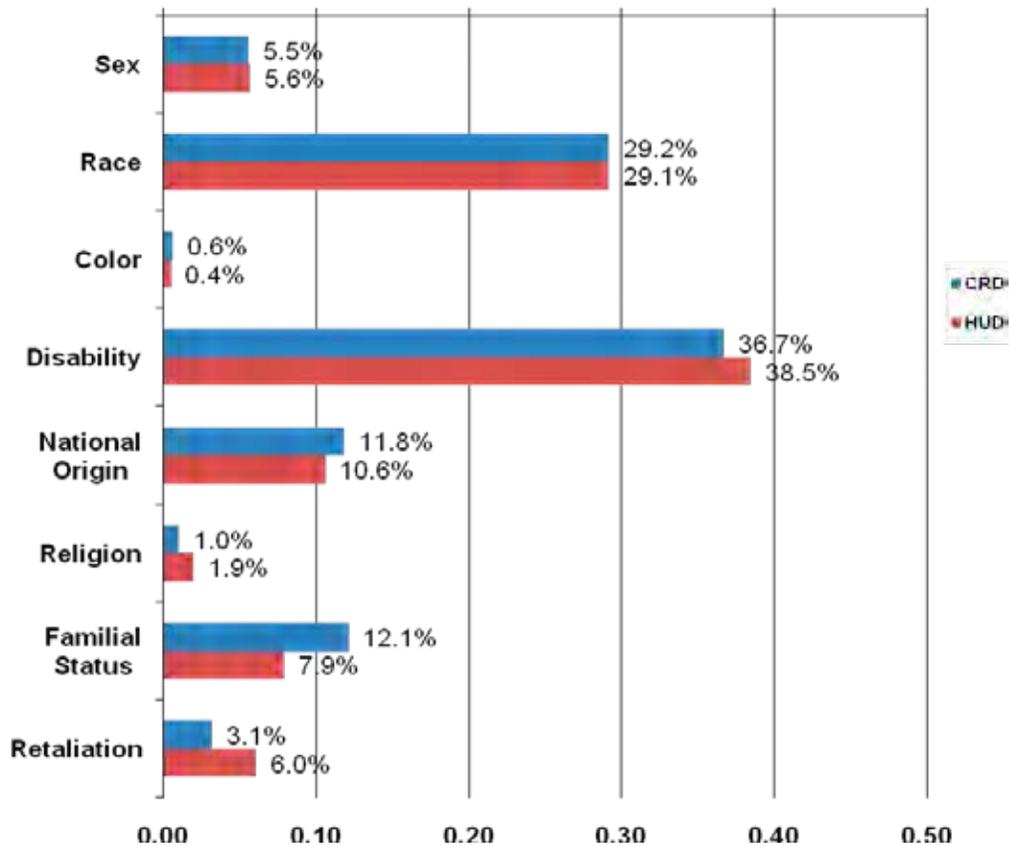


Table 4. CRD and Statewide Housing Complaints Filed by Basis

Basis	CRD		Basis	HUD	
	Number	Percentage		Number	Percentage
Sex	39	5.5%	Sex	113	5.6%
Race	205	29.2%	Race	588	29.1%
Color	4	0.6%	Color	9	0.4%
Disability	258	36.7%	Disability	776	38.5%
National Origin	83	11.8%	National Origin	213	10.6%
Religion	7	1.0%	Religion	39	1.9%
Familial Status	85	12.1%	Familial Status	159	7.9%
Retaliation	22	3.1%	Retaliation	121	6.0%
Total	703	100%	Total	2,018	100%

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

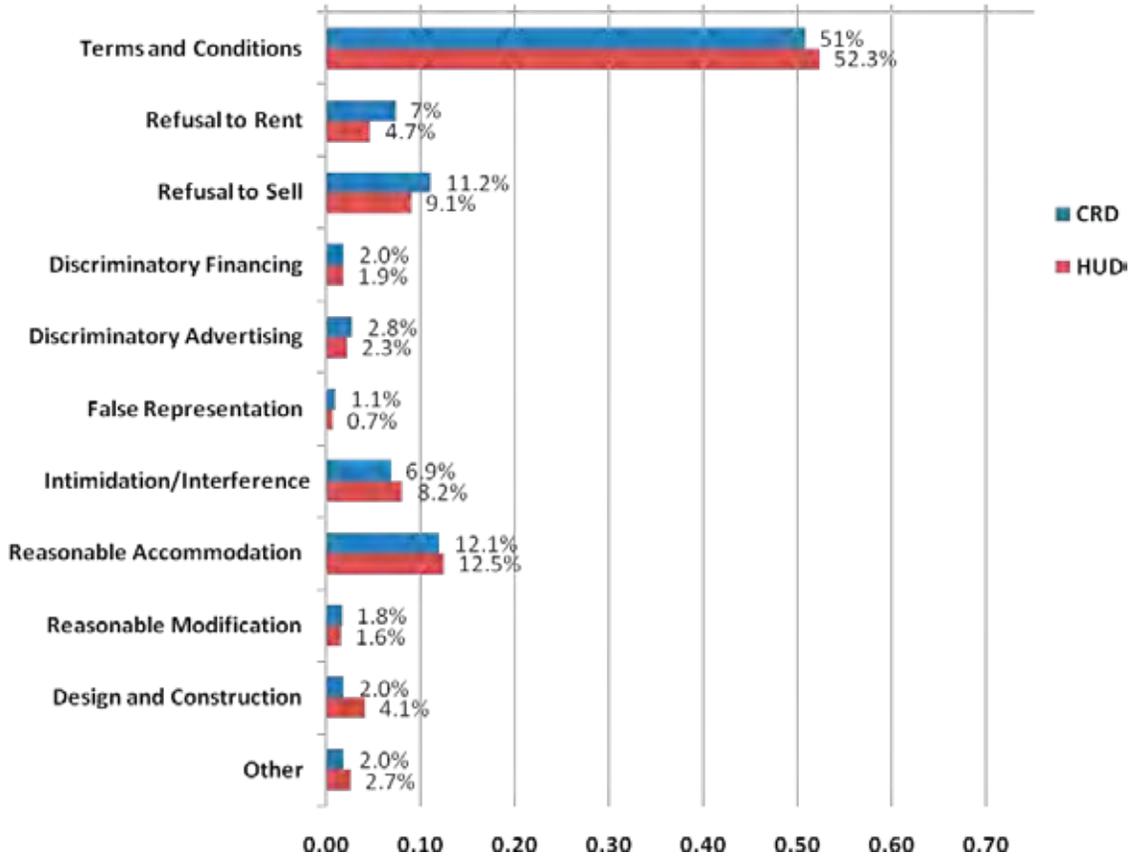


Table 5. CRD and Statewide Housing Complaints Filed by Issue

CRD			HUD		
ISSUE	NUMBER	PERCENTAGE	ISSUE	NUMBER	PERCENTAGE
Terms and Conditions	286	51.0%	Terms and Conditions	809	52.3%
Refusal to Rent	42	7.0%	Refusal to Rent	73	4.7%
Refusal to Sell	63	11.2%	Refusal to Sell	140	9.1%
Discriminatory Financing	11	2.0%	Discriminatory Financing	29	1.9%
Discriminatory Advertising	16	2.8%	Discriminatory Advertising	35	2.3%
False Representation	6	1.1%	False Representation	11	0.7%
Intimidation/Interference	39	6.9%	Intimidation/Interference	126	8.2%
Reasonable Accommodation	68	12.1%	Reasonable Accommodation	193	12.5%
Reasonable Modification	10	1.8%	Reasonable Modification	25	1.6%
Design and Construction	11	2.0%	Design and Construction	64	4.1%
Other	11	2.0%	Other	41	2.7%
Total	563	100%	Total	1,546	100%

*False Advertising is included in the discriminatory advertising category.

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

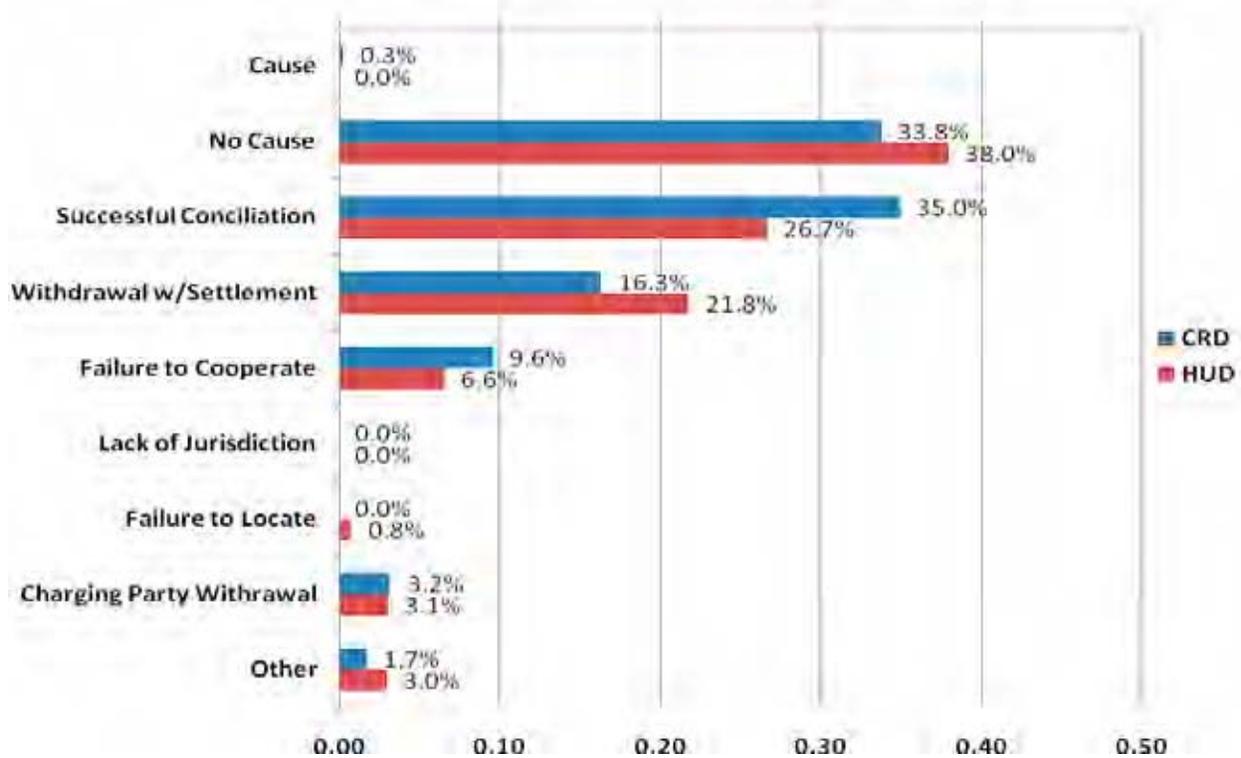


Table 6. CRD and Statewide Housing Closures

CRD			HUD		
ISSUE	NUMBER	PERCENTAGE	ISSUE	NUMBER	PERCENTAGE
Cause	1	0.3%	Cause	0	0.0%
No Cause	116	33.8%	No Cause	369	38.0%
Successful Conciliation	120	35.0%	Successful Conciliation	259	26.7%
Withdrawal With Settlement	56	16.3%	Withdrawal With Settlement	212	21.8%
Failure to Cooperate	33	9.6%	Failure to Cooperate	64	6.6%
Lack of Jurisdiction	0	0.0%	Lack of Jurisdiction	0	0.0%
Failure to locate	0	0.0%	Failure to locate	8	0.8%
Charging Party Withdrawal	11	3.2%	Charging Party Withdrawal	30	3.1%
Other	6	1.7%	Other	29	3.0%
Total	343	100%	Total	971	100%

*No Fault Settlement is included in the Successful Conciliation category

Note: Housing closure types do not include Right to Sue Issued category.

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