

Commission on Human Rights



2011 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.



COMMISSION ON HUMAN RIGHTS ANNUAL REPORT, FISCAL YEAR 2011



Period Covered
September 1, 2010 through August 31, 2011

Prepared by:
Texas Workforce Commission, Civil Rights Division
101 East 15th Street, Suite 144T
Austin, Texas 78778
(512) 463-2642
(888) 452-4778 (Toll Free)

www.texasworkforce.org

January 2012

Commissioners
Thomas Anderson, JD, SPHR, Chair
Michelle H. Diggs
Toni Rhodes Glover
Shara Michalka
Travis A. Morris
Danny L. Osterhout
Veronica V. Stidvent

101 East 15th St., Room 144T
Austin, Texas 78778
www.twc.state.tx.us
(512) 463-2642
(512) 463-2643 Facsimile
(888) 452-4778 Toll Free



Commission on Human Rights

January 18, 2012
The Honorable Rick Perry
Governor of the State of Texas
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

SUBJECT: FY 2011 Commission on Human Rights Annual Report

Dear Governor Perry:

Enclosed is the Fiscal Year (FY) 2011 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, JD, SPHR, in black ink.

Thomas Anderson, JD, SPHR
Chairman
Commissioner for Industry

Handwritten signature of Toni R. Glover in black ink.

Toni R. Glover
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.

Michelle H. Diggs
Commissioner for the Public

Handwritten signature of Travis A. Morris in black ink.

Travis A. Morris
Commissioner for the Public

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 the Texas Workforce Commission Civil Rights Division (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, combining the following statutory reporting 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 United States Equal Employment Opportunity Commission (EEOC), the United States Department of Housing and Urban Development (HUD), and local commissions in Texas. CRD is required to:
 - analyze employment complaints filed by basis including discrimination based on sex, race, color, age, disability, national origin, religion, genetic information, and retaliation;
 - analyze housing complaints filed by basis 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 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 CRD, developed a computerized program for transmission of data. The data in this report covers FY 2011.

Analysis of Statewide Employment Complaints Filed by Basis and Issue

EEOC provided statewide (combined EEOC and local Fair Employment Practices Agencies, or "FEPAs") employment complaints filed data for September 1, 2010 through August 31, 2011. Using the data from EEOC, CRD analyzed employment complaints filed by the basis of the complaint, converting the totals for each category into percentages. Bases of complaints include sex, race, color, age, disability, national origin, religion, retaliation, and genetic information by converting the totals for each category into percentages. CRD similarly 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. CRD then compared the complaints filed with CRD to those filed statewide by issue and basis of the complaint.

Analysis of Statewide Employment Cases Closed by Type

EEOC provided statewide (combined EEOC and local FEPAs) employment cases closed data for September 1, 2010 through August 31, 2011. 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. CRD compared reasons for employment case closures filed with CRD to reasons for statewide case closures.

Average Processing Time for Resolving Employment Complaints

CRD extracted the average processing time for employment cases closed from the EEOC's Integrated Mission System case management and tracking database on dually filed cases as the State of Texas' Fair Employment Practices Agency partner with the EEOC.

Analysis of Statewide Housing Complaints Filed by Basis and Issue

HUD provided statewide (combined HUD and local Fair Housing Assistance Programs, or "FHAPs") housing complaints filed data for September 1, 2010 through August 31, 2011. Using the data from HUD, 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 into percentages. CRD also analyzed housing complaints filed by issue, including terms and conditions, refusal to rent or sell, discriminatory financing or advertising, and false representation. CRD compared housing complaints filed with CRD by basis and issue with the complaints filed statewide by basis and issue.

Analysis of Statewide Housing Cases Closed by Type

HUD provided statewide (combined HUD and local FHAPs) housing cases closed data for September 1, 2010 through August 31, 2011. Using data provided by HUD, CRD analyzed housing cases closed by the type of case closure, including 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

CRD extracted the average processing time for housing complaints from the HUD's Title Eight Automated Paperless Office Tracking System case management and tracking database as the State of Texas' Fair Housing Assistance Program 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 (page 9) 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 are encouraged to use the information in this report in conjunction with their own analysis of their current workforce to develop a recruitment plan that addresses any underutilization in identified job categories under Texas Labor Code §§ 21.501 and 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 (page 10). The greatest percentage of employment complaints filed by basis with CRD and statewide during FY 2011 were based on sex: 21.1% for CRD and 16.5% statewide. The percentage of complaints based on race was 19.8% statewide and 13.6% for CRD. Other complaints filed by basis in significant numbers include: disability (18.9% with CRD and 15.9% statewide); age (16.0% with CRD and 11.2% statewide); and retaliation (16.8% with CRD and 21.7% statewide).

Employment complaint data by issue for CRD and statewide are indicated in Chart 2 and Table 2 (page 11). The greatest percentage of employment complaints filed by issue with CRD and statewide during FY 2011 consisted of discharge (25.4% for CRD and 35.0% statewide). Other issues in significant numbers include: terms and conditions (12.6% with CRD and 12.9% statewide); harassment (15.7% with CRD and 13.6% statewide); and discipline (9.9% with CRD and 6.8% statewide).

CRD and statewide employment case closure data is shown in Chart 3 and Table 3 (page 12). The majority of employment cases closed statewide and with CRD were closed with no cause findings, 62.9% for CRD and 69.2% statewide. However, 19.5% of employment cases closed with CRD and 13.9% of employment cases closed statewide were closed with "merit resolutions." Employment merit resolutions are 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 CRD in FY 2011 was 162 days.

CRD and statewide housing complaint data by basis of complaint is shown in Chart 4 and Table 4 (page 13). The greatest percentage of housing complaints filed by basis with CRD and statewide during FY 2011 were based on disability (39.3% filed with CRD and 36.9% filed statewide). Other complaints filed in significant numbers include: race (29.7% with CRD and 29.6% statewide); national origin (10.5% with CRD and 10.3% statewide); and familial status (8.3% with CRD and 7.2% statewide).

CRD and statewide housing complaint data by issue is shown in Chart 5 and Table 5 (page 14). The majority of complaints filed by issue with CRD and statewide consisted of: terms and conditions (52.1% for CRD and 55.1% statewide). The only other issue filed in significant numbers was refusal to rent (17.8% with CRD and 13.2% statewide).

CRD and statewide housing case closure data is shown in Chart 6 and Table 6 (page 15). The greatest percentage of housing cases closed statewide were closed as no cause (41.1% compared to 31.4% for CRD). The greatest percentage of housing cases closed by CRD were closed as successful conciliations (32.4% compared to 22.9% statewide). CRD closed 17.8% as withdrawal with settlement compared to 25.3% closed statewide. Statewide, 48.2% of closures resulted in merit resolutions compared to 50.3% closed by CRD. Housing merit resolutions include cause findings, successful conciliations, and withdrawals with settlement.

The average processing time for housing complaints resolved by CRD for FY 2011 was 112 days.

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

IV. Acknowledgment

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: Statewide Summary of New Hires Data as Reported by HRIS

REPORT: F48BSWRA-R6

STATE OF TEXAS
 STATEWIDE REPORTING GROUP
 ANNUAL REPORT - STATEWIDE NEW HIRE/WORKFORCE SUMMARY
 FINAL
 FOR 09/01/2010 THROUGH 08/31/2011

DATE: 10/06/2011
 TIME: 08:39:23
 PAGE: 1

----- 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	918	88	146	458	351
C	ADMINISTRATIVE SUPPORT	4767	859	1440	3953	448
M	SERVICE/MAINTENANCE	5108	1640	1441	2836	960
P	PROFESSIONALS	20830	2271	3309	11686	7154
Q	PARA-PROFESSIONAL	2550	720	738	1634	416
R	PROTECTIVE SERVICES	7426	2300	1577	3316	2207
S	SKILLED/CRAFT	900	47	216	40	608
T	TECHNICIANS	6365	778	1252	3646	2066
	TOTALS	48864	8703	10119	27569	14210

----- 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	16325	1694	2328	8272	6308
C	ADMINISTRATIVE SUPPORT	39564	7486	11944	34543	2571
M	SERVICE/MAINTENANCE	19701	5409	6745	9741	4242
P	PROFESSIONALS	155501	17384	25207	87198	53465
Q	PARA-PROFESSIONAL	21095	6477	5998	15173	2513
R	PROTECTIVE SERVICES	50170	14829	10794	21748	15652
S	SKILLED/CRAFT	10996	872	2777	545	7000
T	TECHNICIANS	33569	4886	7491	18304	10814
	TOTALS	346921	59037	73284	195524	102565

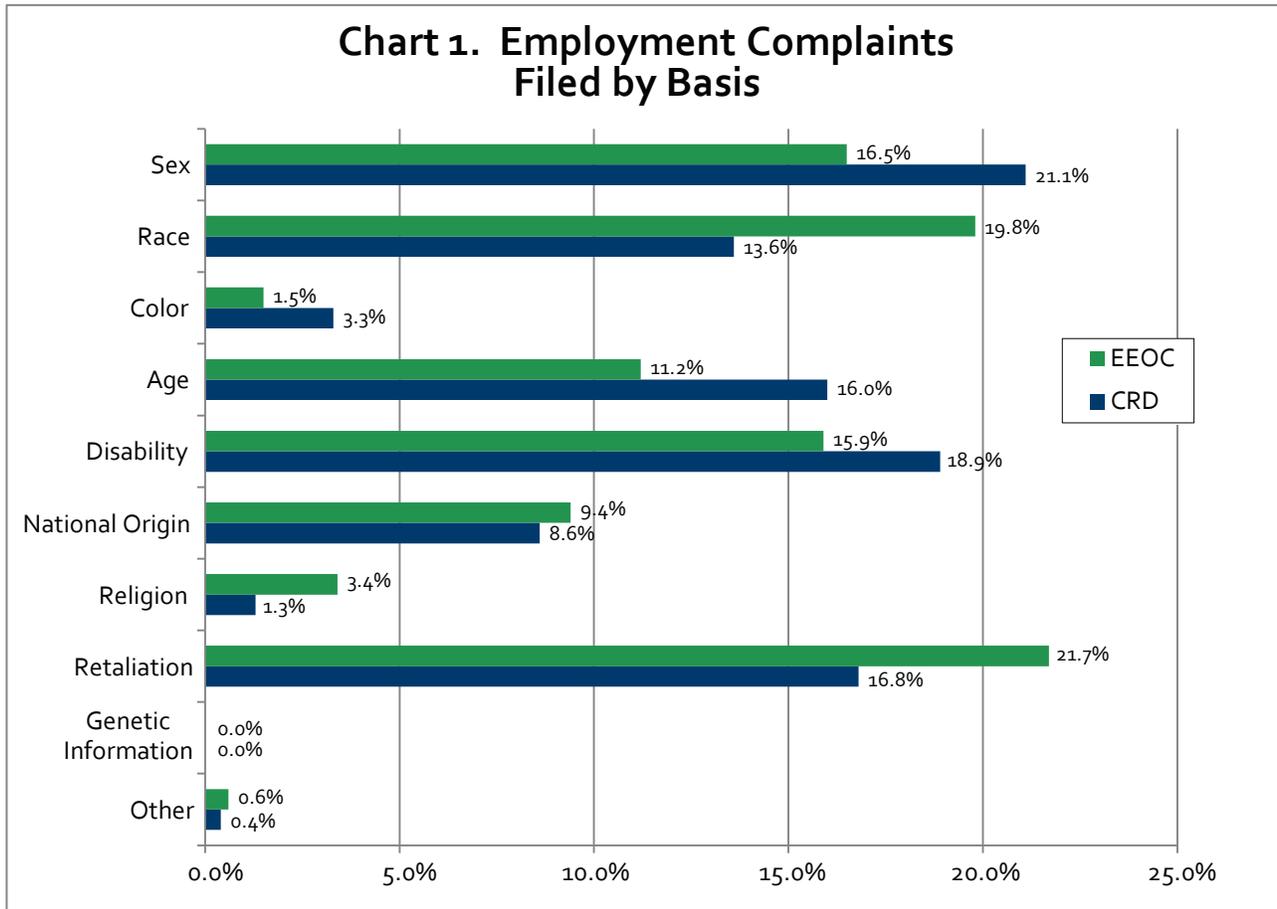


Table 1. CRD and Statewide Employment Complaints Filed by Basis

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	385	21.1%	Sex	3,087	16.5%
Race	248	13.6%	Race	3,720	19.8%
Color	61	3.3%	Color	272	1.5%
Age	293	16.0%	Age	2,098	11.2%
Disability	345	18.9%	Disability	2,991	15.9%
National Origin	158	8.6%	National Origin	1,766	9.4%
Religion	24	1.3%	Religion	638	3.4%
Retaliation	305	16.8%	Retaliation	4,079	21.7%
Genetic Information	0	0.0%	Genetic Information	2	0.0%
Other	8	0.4%	Other	110	0.6%
TOTAL	1827	100%	TOTAL	18763	100%

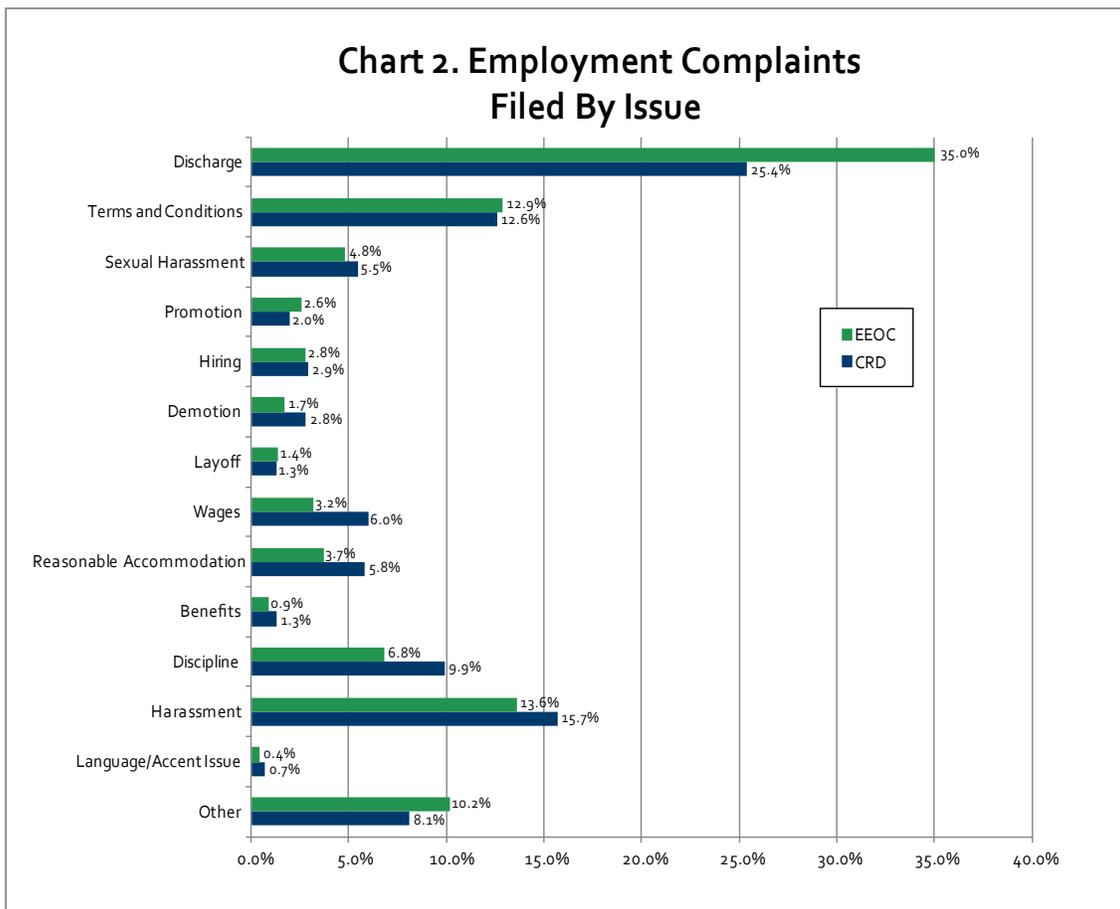


Table 2. CRD and Statewide Employment Complaints Filed by Issue

CRD			EEOC		
ISSUES	NUMBER	PERCENTAGE	ISSUES	NUMBER	PERCENTAGE
Discharge	586	25.4%	Discharge	6,320	35.0%
Terms & Conditions	291	12.6%	Terms & Conditions	2,320	12.9%
Sexual Harassment	127	5.5%	Sexual Harassment	867	4.8%
Promotion	46	2.0%	Promotion	475	2.6%
Hiring	66	2.9%	Hiring	504	2.8%
Demotion	64	2.8%	Demotion	312	1.7%
Layoff	31	1.3%	Layoff	254	1.4%
Wages	139	6.0%	Wages	584	3.2%
Reasonable Accommodation	133	5.8%	Reasonable Accommodation	663	3.7%
Benefits	31	1.3%	Benefits	158	0.9%
Discipline	228	9.9%	Discipline	1,233	6.8%
Harassment	364	15.7%	Harassment	2,449	13.6%
Language/Accent Issue	15	0.7%	Language/Accent Issue	64	0.4%
Other	187	8.1%	Other	1,839	10.2%
TOTAL	2,308	100%	TOTAL	18,042	100%

Chart 3. Employment Cases Closed By Type of Closure

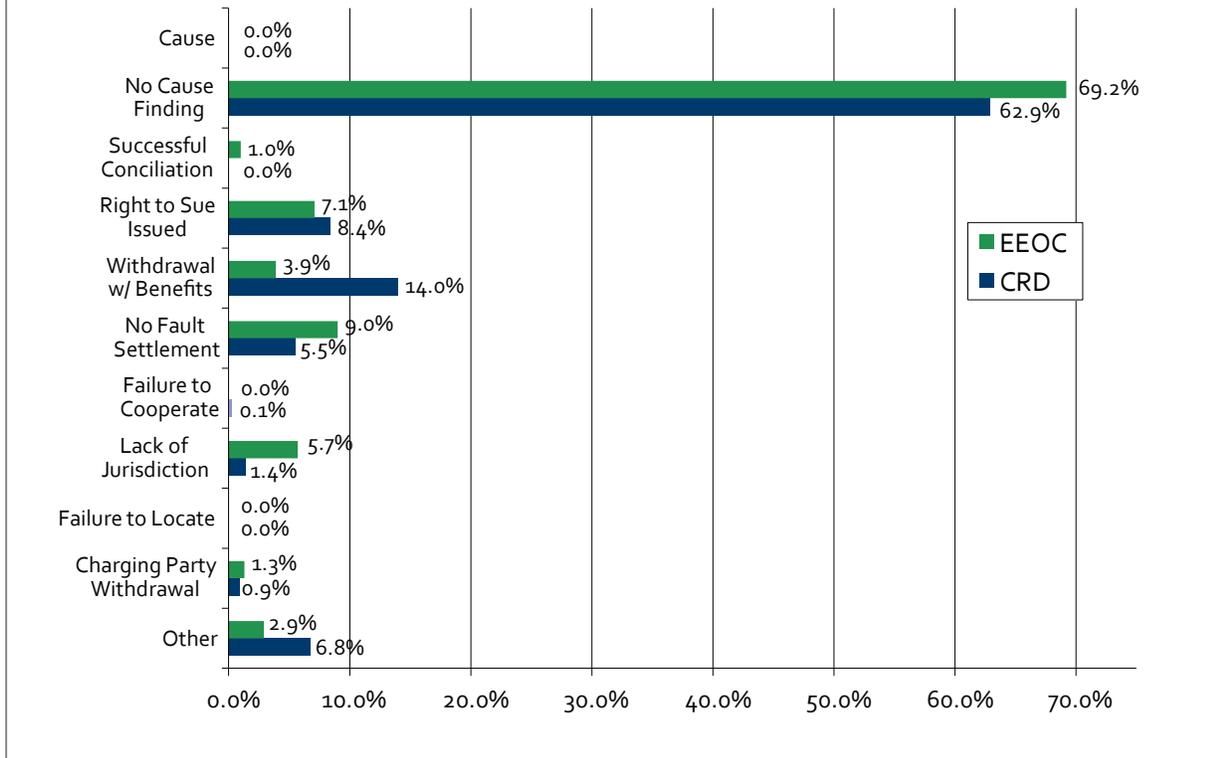


Table 3. CRD and Statewide Employment Closures

CRD			EEOC		
CLOSURE TYPE	NUMBER	PERCENTAGE	CLOSURE TYPE	NUMBER	PERCENTAGE
Cause	0	0.0%	Cause	0	0.0%
No Cause Finding	571	62.9%	No Cause Finding	7,323	69.2%
Successful Conciliation	0	0.0%	Successful Conciliation	102	1.0%
Right To Sue Issued	76	8.4%	Right To Sue Issued	757	7.1%
Withdrawal w/Settlement	127	14.0%	Withdrawal w/Settlement	413	3.9%
No Fault Settlement	50	5.5%	No Fault Settlement	956	9.0%
Failure To Cooperate	1	0.1%	Failure To Cooperate	0	0.0%
Lack of Jurisdiction	13	1.4%	Lack of Jurisdiction	603	5.7%
Failure To Locate	0	0.0%	Failure To Locate	0	0.0%
Charging Party Withdrawal	8	0.9%	Charging Party Withdrawal	134	1.3%
Other	62	6.8%	Other	302	2.9%
TOTAL	908	100%	TOTAL	10,590	100%

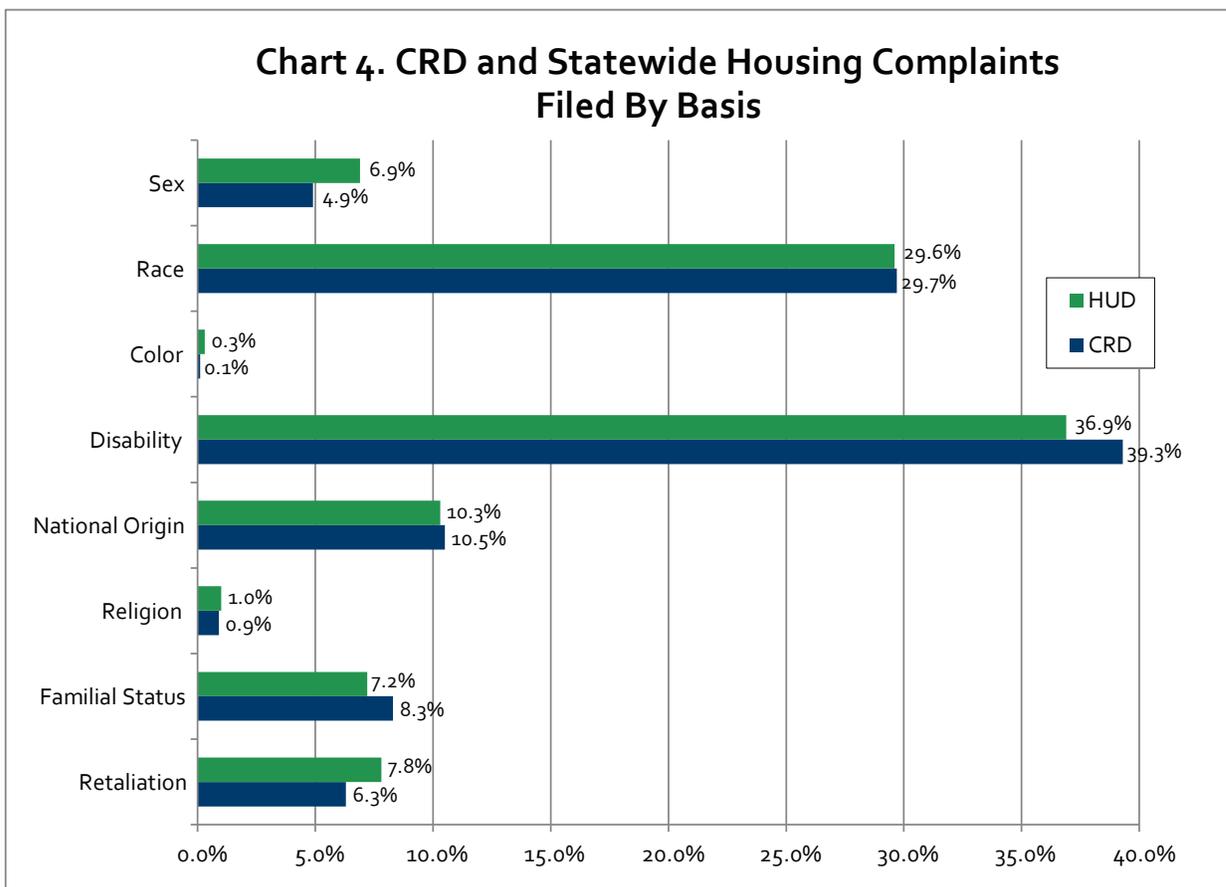


Table 4. CRD and Statewide Housing Complaints Filed by Basis

CRD			HUD		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	37	4.9%	Sex	128	6.9%
Race	223	29.7%	Race	547	29.6%
Color	1	0.1%	Color	5	0.3%
Disability	295	39.3%	Disability	683	36.9%
National Origin	79	10.5%	National Origin	190	10.3%
Religion	7	0.9%	Religion	18	1.0%
Familial Status	62	8.3%	Familial Status	133	7.2%
Retaliation	47	6.3%	Retaliation	145	7.8%
TOTAL	751	100%	TOTAL	1849	100%

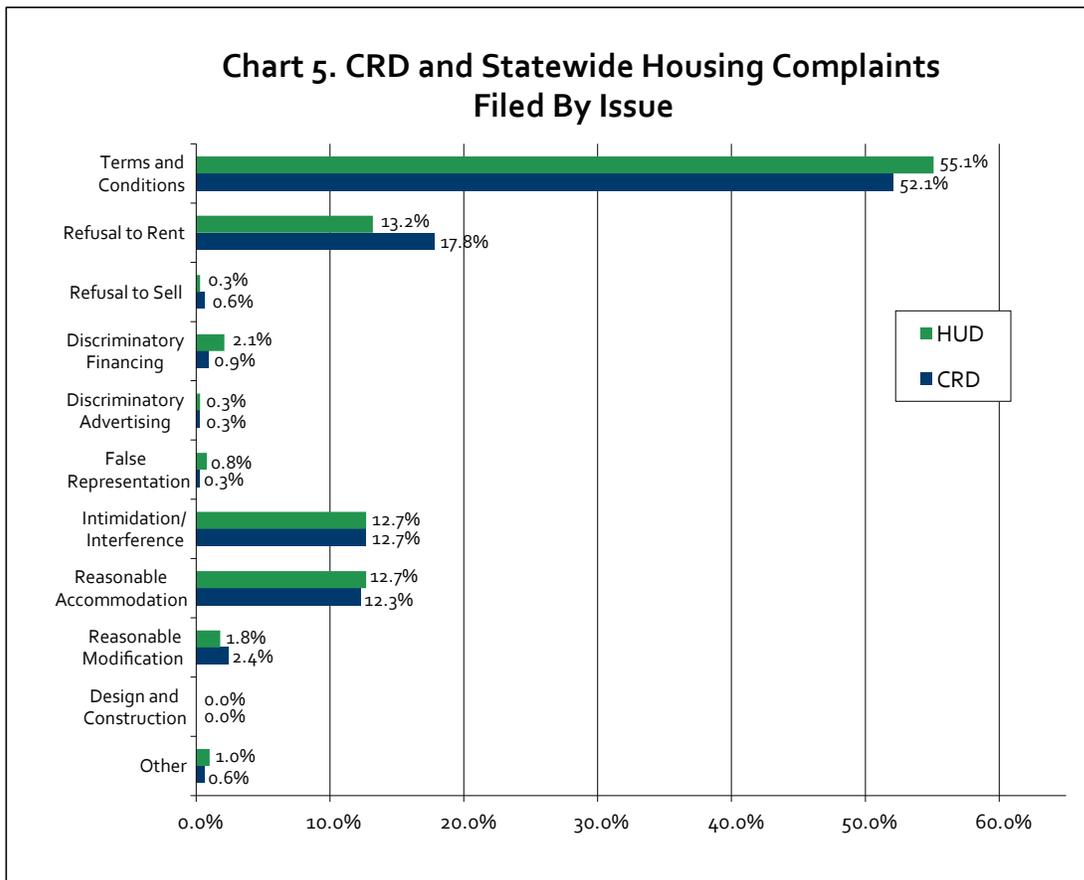


Table 5. CRD and Statewide Housing Complaints Filed by Issue

ISSUE	CRD		ISSUE	HUD	
	NUMBER	PERCENTAGE		NUMBER	PERCENTAGE
Terms and Conditions	348	52.1%	Terms and Conditions	978	55.1%
Refusal to Rent	119	17.8%	Refusal to Rent	234	13.2%
Refusal to Sell	4	0.6%	Refusal to Sell	6	0.3%
Discriminatory Financing	6	0.9%	Discriminatory Financing	37	2.1%
Discriminatory Advertising*	2	0.3%	Discriminatory Advertising*	6	0.3%
False Representation	2	0.3%	False Representation	14	0.8%
Intimidation/Interference	85	12.7%	Intimidation/Interference	225	12.7%
Reasonable Accommodation	82	12.3%	Reasonable Accommodation	225	12.7%
Reasonable Modification	16	2.4%	Reasonable Modification	32	1.8%
Design and Construction	0	0.0%	Design and Construction	0	0.0%
Other	4	0.6%	Other	17	1.0%
TOTAL	668	100%	TOTAL	1774	100%

*False Advertising is included in the discriminatory advertising category.

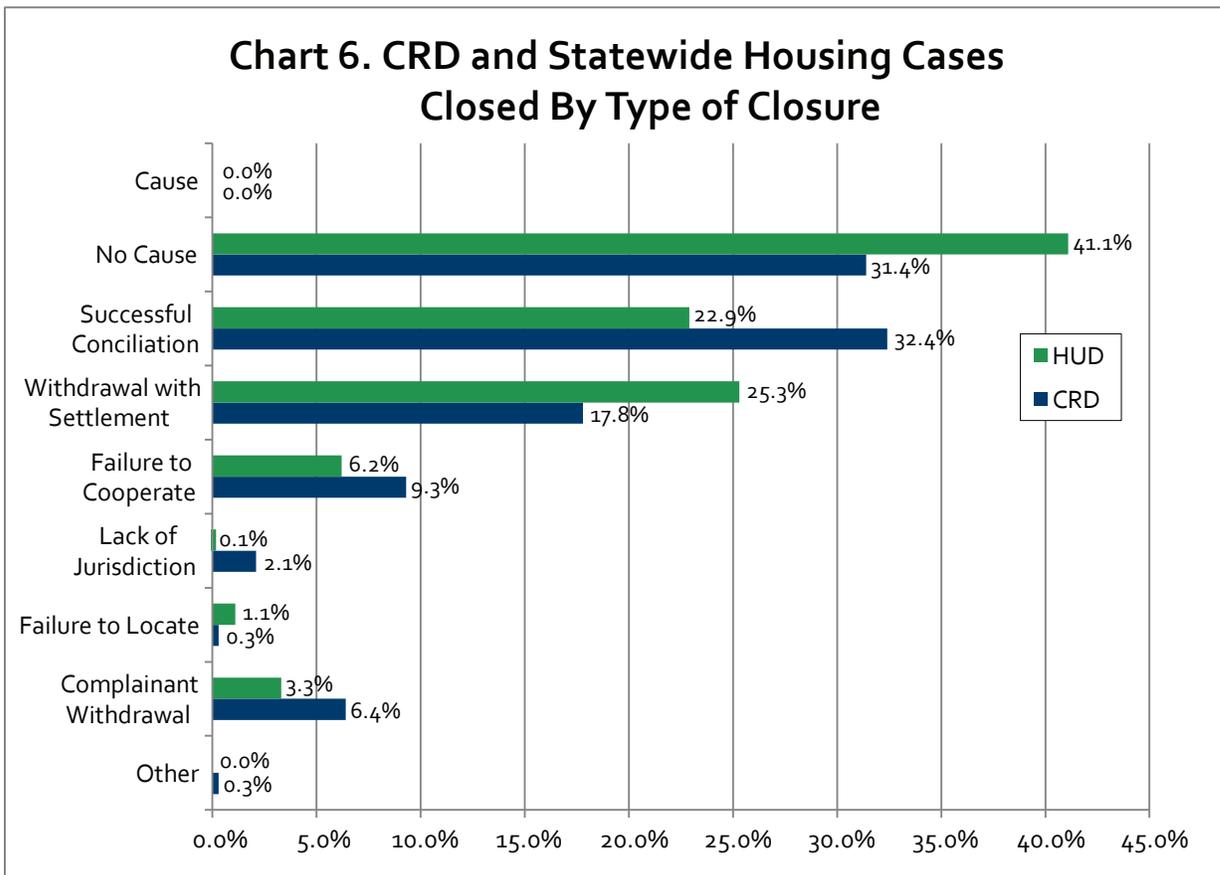


Table 6. CRD and Statewide Housing Closures

CRD			HUD		
CLOSURE TYPE	NUMBER	PERCENTAGE	CLOSURE TYPE	NUMBER	PERCENTAGE
Cause	0	0.0%	Cause	0	0.0%
No Cause	118	31.4%	No Cause	581	41.1%
Successful Conciliation*	122	32.4%	Successful Conciliation*	323	22.9%
Withdrawal With Settlement	67	17.8%	Withdrawal With Settlement	358	25.3%
Failure to Cooperate	35	9.3%	Failure to Cooperate	88	6.2%
Lack of Jurisdiction	8	2.1%	Lack of Jurisdiction	1	0.1%
Failure to Locate	1	0.3%	Failure to locate	15	1.1%
Complainant Withdrawal	24	6.4%	Complainant Withdrawal	47	3.3%
Other	1	0.3%	Other	0	0.0%
TOTAL	376	100%	TOTAL	1413	100%

*No Fault Settlement is included in the Successful Conciliation category.

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

Texas Workforce Commission
101 East 15th Street
Austin, Texas 78778-0001
(512) 463-2222

<http://www.texasworkforce.org>

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