



# 2012

# Annual Report

## Commission on Human Rights

## *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 2012



*PERIOD COVERED*  
*SEPTEMBER 1, 2011 THROUGH AUGUST 31, 2012*

PREPARED BY  
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JANUARY 2013

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## Commission on Human Rights

February 25, 2013  
The Honorable Rick Perry  
Governor of the State of Texas  
Office of the Governor  
P.O. Box 12428  
Austin TX 78711-2428

### **SUBJECT: FY 2012 Commission on Human Rights Annual Report**

Dear Governor Perry:

Enclosed is the Fiscal Year (FY) 2012 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

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Michelle H. Diggs  
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Travis A. Morris  
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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 and combines 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 Texas Workforce Commission Civil Rights Division, developed a computerized program for transmission of data. The data in this report covers fiscal year 2012.

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

EEOC provided statewide (combined CRD, EEOC, and local commissions) employment complaints filed data for September 1, 2011 through August 31, 2012. Using the data from EEOC, 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. 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. 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 CRD, EEOC, and local commissions) employment cases closed data for September 1, 2011 through August 31, 2012. 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 Employment Complaints Resolved

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 CRD, HUD, and local commissions) housing complaints filed data for September 1, 2011 through August 31, 2012. 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 to 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 CRD, HUD, and local commissions) housing cases closed data for September 1, 2011 through August 31, 2012. 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 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 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. The majority of employment complaints filed by basis with CRD during FY 2012 were based on sex: 18.5% for CRD and 17.8% for statewide. The majority of employment complaints filed by basis statewide during FY 2012 were based on retaliation: 22.4% for statewide and 15.6% for CRD.

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 CRD and statewide during FY 2012 consisted of discharge: 29.6% for CRD and 36.0% for statewide. Other issues in significant numbers include harassment at 17.8% with CRD and 15.3% for statewide and terms and conditions of employment at 15.9% with CRD and 13.7% for 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 CRD was closed with no cause at 71.2% for CRD and 71.4% statewide. However 18.5% of employment cases closed with CRD and 15.0% 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 CRD in FY 2012 was 131 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 CRD and statewide during FY 2012 were based on disability (36.9% filed with CRD and 32.4% filed statewide). The other major category of complaints filed in significant numbers was race (29.9% filed with CRD and 29.3% filed statewide).

CRD and statewide housing complaint data by issue is shown in Chart 5 and Table 5. The majority of complaints filed by issue with CRD and statewide consisted of terms and conditions (48.8% for CRD and 57.8% statewide). Two other issues that had significant numbers were refusal to rent (15.4% with CRD and 17.8% statewide) and reasonable accommodation (15.4% with CRD and 17.4% statewide).

CRD and statewide housing case closure data is shown in Chart 6 and Table 6. There were two major categories of housing case closures for CRD. These two categories were no cause (31.9% with CRD and 40.1% statewide) and successful conciliation (31.7% with CRD and 20.2% statewide).

The average processing time for housing complaints resolved by CRD for FY 2012 was 140 days.

Individuals continue to experience housing discrimination. 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, national origin, and in the areas of terms and conditions, reasonable accommodation, and refusal to sell.

# IV. Acknowledgement

CRD 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  
ANNUAL REPORT - STATEWIDE NEW HIRE/WORKFORCE SUMMARY  
FINAL  
FOR 09/01/2011 THROUGH 08/31/2012

## 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/Administrator	1212	139	147	593	495
C	Administrative Support	6790	1188	2017	5717	567
M	Service/Maintenance	2795	811	815	1265	723
P	Professionals	23026	2429	3467	12959	7869
Q	Para-Professional	5705	1948	1609	3834	705
R	Protective Services	10533	3891	2213	5098	2552
S	Skilled/Craft	1221	92	311	63	783
T	Technicians	7995	1147	1883	4794	231
	TOTALS	59277	11645	12462	34323	16009

## 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/Administrator	16815	1719	2440	8595	6436
C	Administrative Support	40046	7592	12269	34869	2609
M	Service/Maintenance	16366	4147	5854	7539	3841
P	Professionals	155158	17129	25014	86941	53409
Q	Para-Professional	24522	7861	6999	17458	2833
R	Protective Services	51214	15942	11081	22678	15172
S	Skilled/Craft	10992	881	2801	493	7001
T	Technicians	35876	5491	8603	20198	10885
	TOTALS	350989	60762	75061	198771	102186

# CHARTS/TABLES

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

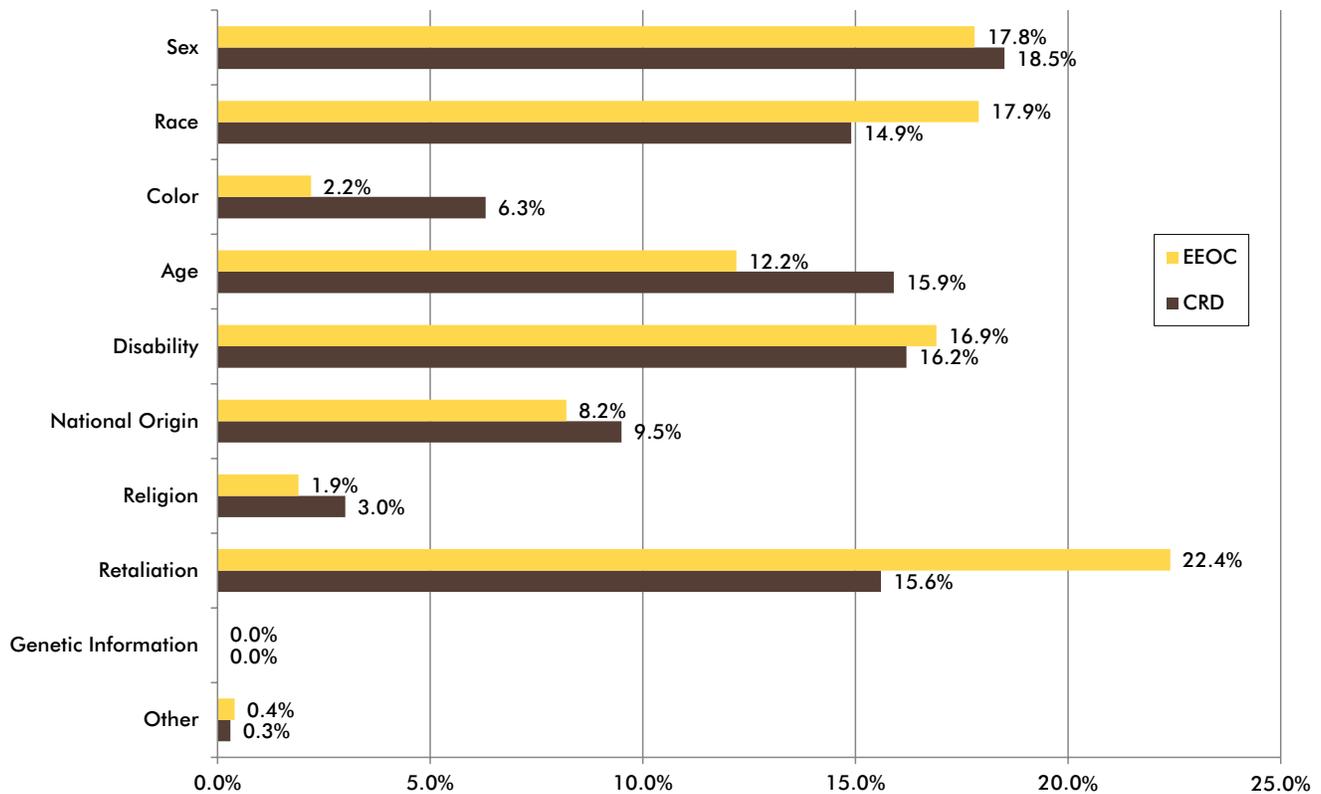


Table 1. CRD and Statewide Employment Complaints Filed by Basis

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	308	18.5%	Sex	3,544	17.8%
Race	248	14.9%	Race	3,556	17.9%
Color	105	6.3%	Color	439	2.2%
Age	265	15.9%	Age	2,419	12.2%
Disability	270	16.2%	Disability	3,365	16.9%
National Origin	158	9.5%	National Origin	1,627	8.2%
Religion	50	3.0%	Religion	386	1.9%
Retaliation	260	15.6%	Retaliation	4,461	22.4%
Genetic Information	0	0.0%	Genetic Information	3	0.0%
Other	5	0.3%	Other	86	0.4%
<b>TOTAL</b>	<b>1,669</b>	<b>100%</b>	<b>TOTAL</b>	<b>19,886</b>	<b>100%</b>

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

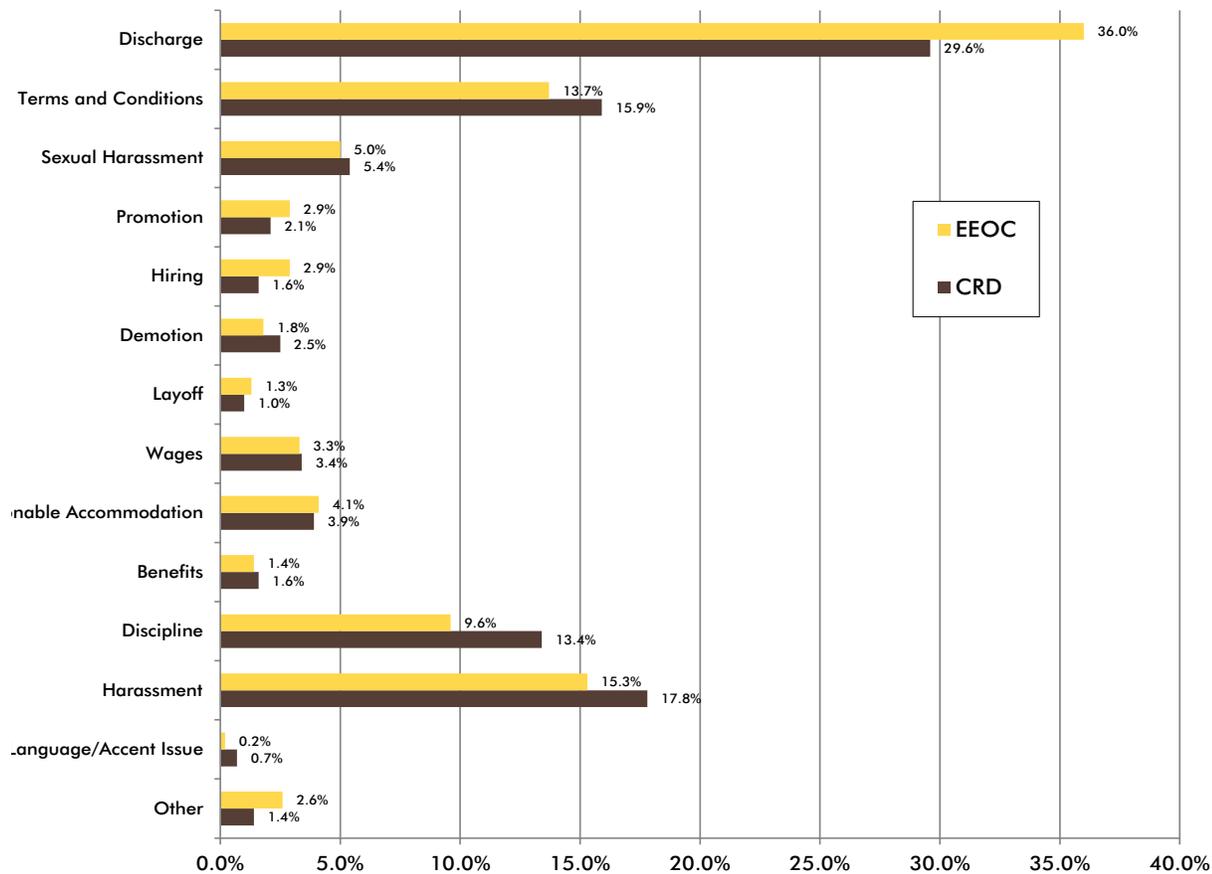


Table 2. CRD and Statewide Employment Complaints Filed by Issue

CRD			EEOC		
ISSUES	NUMBER	PERCENTAGE	ISSUES	NUMBER	PERCENTAGE
Discharge	511	29.6%	Discharge	7,101	36.0%
Terms & Conditions	275	15.9%	Terms & Conditions	2,698	13.7%
Sexual Harassment	93	5.4%	Sexual Harassment	989	5.0%
Promotion	36	2.1%	Promotion	578	2.9%
Hiring	28	1.6%	Hiring	579	2.9%
Demotion	44	2.5%	Demotion	347	1.8%
Layoff	17	1.0%	Layoff	251	1.3%
Wages	59	3.4%	Wages	643	3.3%
Reasonable Accommodation	68	3.9%	Reasonable Accommodation	808	4.1%
Benefits	28	1.6%	Benefits	267	1.4%
Discipline	232	13.4%	Discipline	1,882	9.6%
Harassment	307	17.8%	Harassment	3,010	15.3%
Language/Accent Issue	4	0.7%	Language/Accent Issue	42	0.2%
Other	25	1.4%	Other	509	2.6%
<b>TOTAL</b>	<b>1,727</b>	<b>100%</b>	<b>TOTAL</b>	<b>19,704</b>	<b>100%</b>

### Chart 3. Statistical Analysis of Employment Cases Closed By Type of Closure

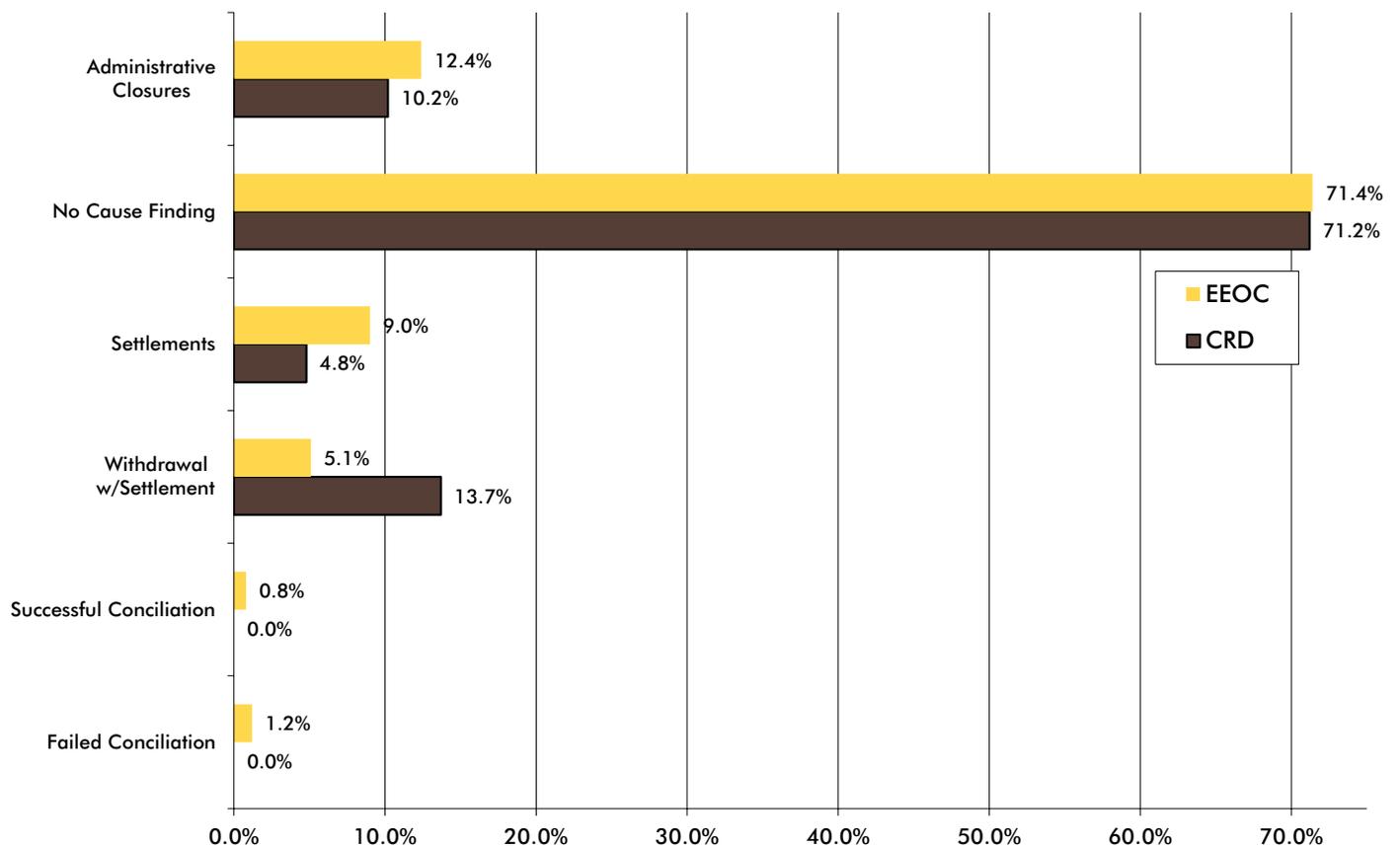
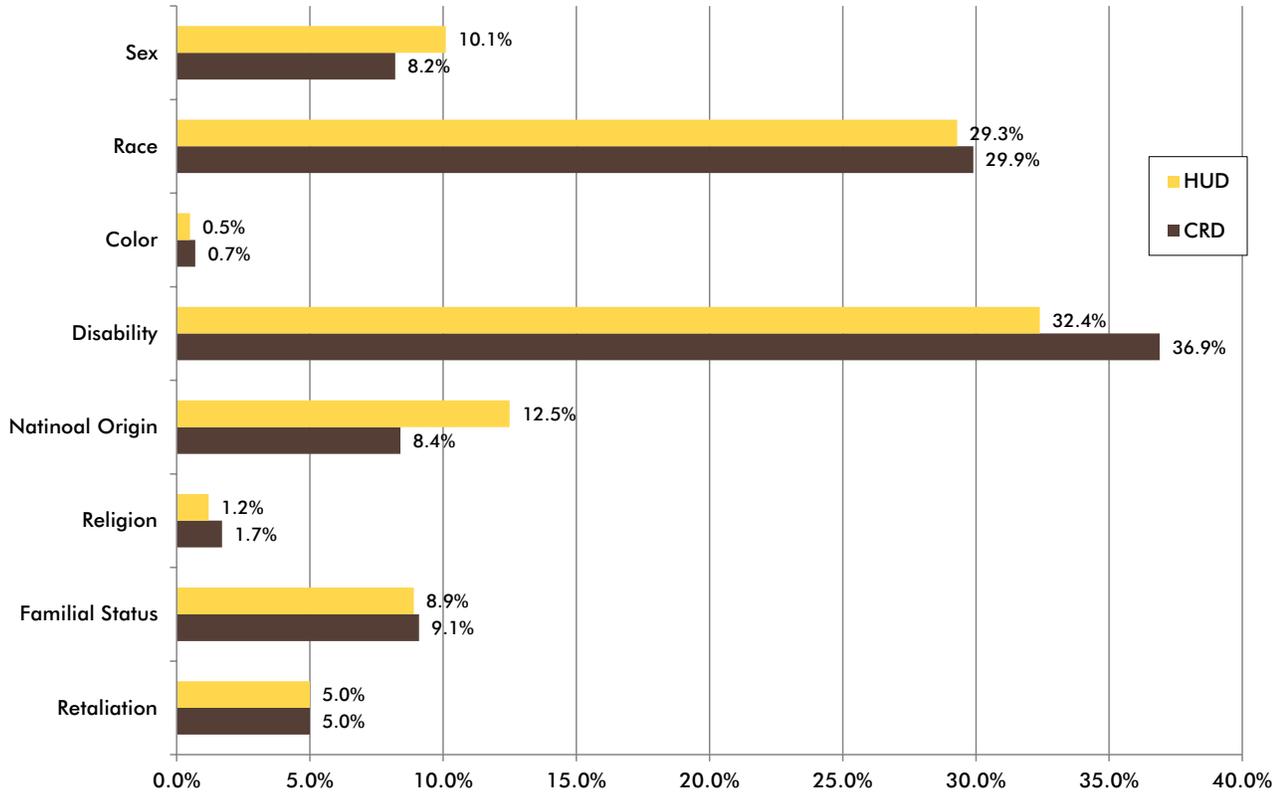


Table 3. CRD and Statewide Employment Closures

CRD			EEOC		
CLOSURE TYPE	NUMBER	PERCENTAGE	CLOSURE TYPE	NUMBER	PERCENTAGE
Administrative Closures	94	10.2%	Administrative Closures	1,320	12.4%
No Cause Finding	654	71.2%	No Cause Finding	7,591	71.4%
Settlements	44	4.8%	Settlement	962	9.0%
Withdrawal w/ Settlement	126	13.7%	Withdrawal w/ Settlement	546	5.1%
Successful Conciliation	0	0.0%	Successful Conciliation	84	0.8%
Failed Conciliation	0	0.0%	Failed Conciliation	129	1.2%
<b>TOTAL</b>	<b>918</b>	<b>100%</b>	<b>TOTAL</b>	<b>10,632</b>	<b>100%</b>

*Note: Administrative Closures include Right to Sue Issued, Failure to Cooperate, Lack of Jurisdiction, and Failure to Locate.*

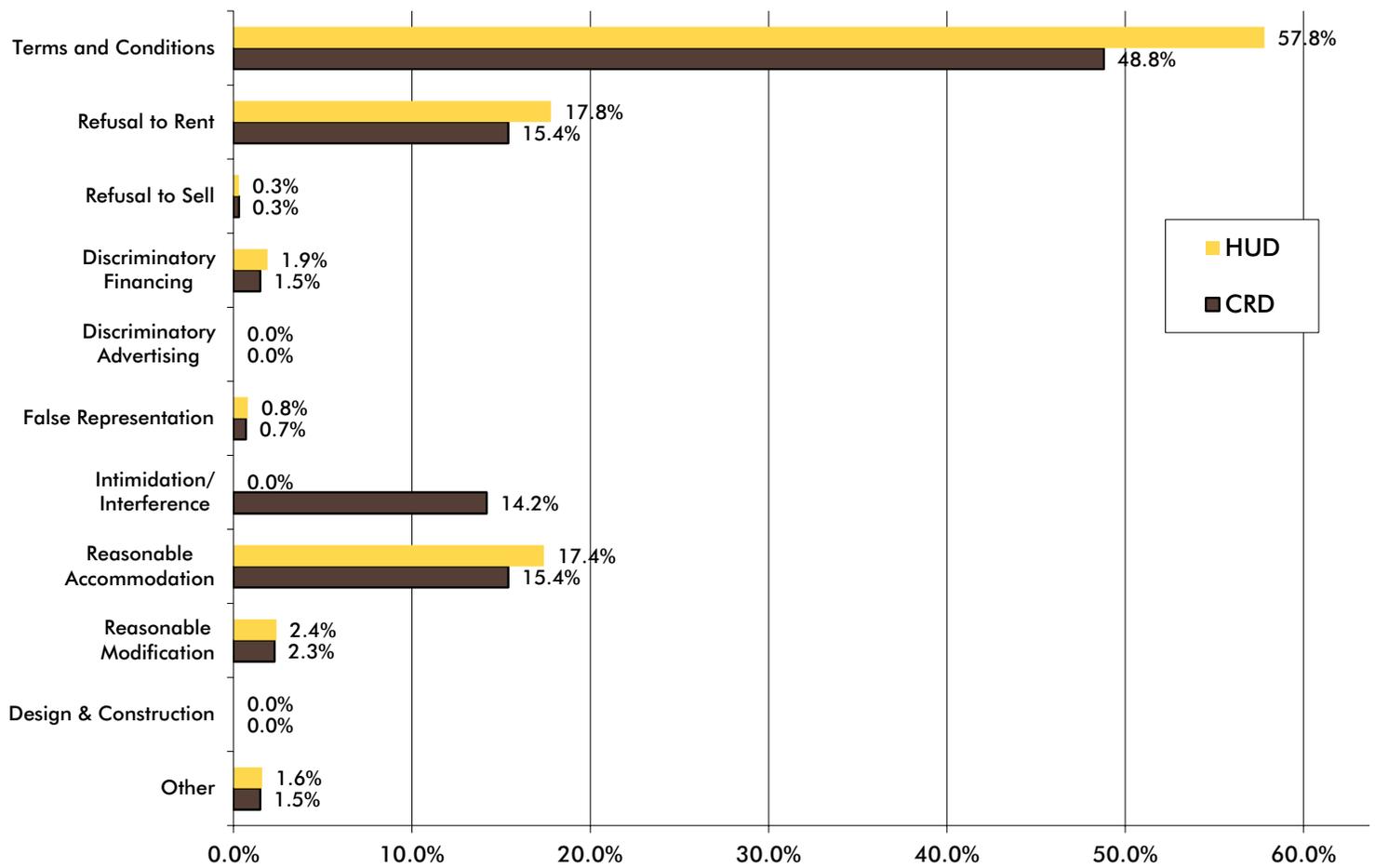
**Chart 4. Statistical Analysis of CRD and Statewide Housing Complaints Filed By Basis**



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

CRD			HUD		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	48	8.2%	Sex	148	10.1%
Race	174	29.9%	Race	428	29.3%
Color	4	0.7%	Color	8	0.5%
Disability	215	36.9%	Disability	473	32.4%
National Origin	49	8.4%	National Origin	183	12.5%
Religion	10	1.7%	Religion	17	1.2%
Familial Status	53	9.1%	Familial Status	130	8.9%
Retaliation	29	5.0%	Retaliation	73	5.0%
<b>TOTAL</b>	<b>582</b>	<b>100%</b>	<b>TOTAL</b>	<b>1460</b>	<b>100%</b>

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



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

CRD			HUD		
ISSUE	NUMBER	PERCENTAGE	ISSUE	NUMBER	PERCENTAGE
Terms and Conditions	333	48.8%	Terms and Conditions	812	57.8%
Refusal to Rent	105	15.4%	Refusal to Rent	250	17.8%
Refusal to Sell	2	0.3%	Refusal to Sell	4	0.3%
Discriminatory Financing	10	1.5%	Discriminatory Financing	27	1.9%
Discriminatory Advertising*	0	0.0%	Discriminatory Advertising*	0	0.0%
False Representation	5	0.7%	False Representation	11	0.8%
Intimidation/Interference	97	14.2%	Intimidation/Interference	0	0.0%
Reasonable Accommodation	105	15.4%	Reasonable Accommodation	244	17.4%
Reasonable Modification	16	2.3%	Reasonable Modification	34	2.4%
Design and Construction	0	0.0%	Design and Construction	0	0.0%
Other	10	1.5%	Other	23	1.6%
<b>TOTAL</b>	<b>683</b>	<b>100.0%</b>	<b>TOTAL</b>	<b>1405</b>	<b>100.0%</b>

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

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

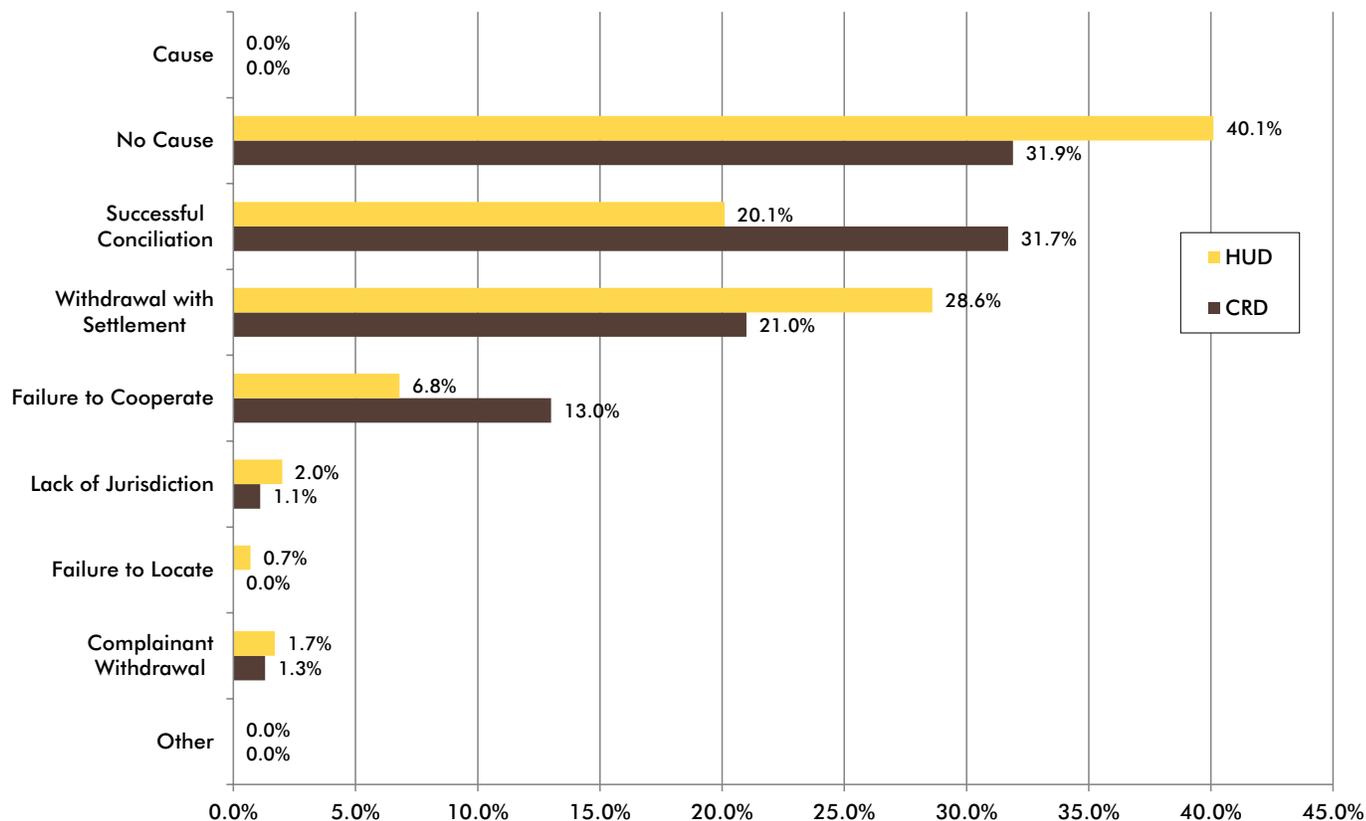


Table 6. CRD and Statewide Housing Closures

CRD			HUD		
CLOSURE TYPE	NUMBER	PERCENTAGE	CLOSURE TYPE	NUMBER	PERCENTAGE
Cause	0	0.0%	Cause	0	0.0%
No Cause	120	31.9%	No Cause	426	40.1%
Successful Conciliation*	119	31.7%	Successful Conciliation*	214	20.1%
Withdrawal With Settlement	79	21.0%	Withdrawal With Settlement	303	28.6%
Failure to Cooperate	49	13.0%	Failure to Cooperate	72	6.8%
Lack of Jurisdiction	4	1.1%	Lack of Jurisdiction	21	2.0%
Failure to Locate	0	0.0%	Failure to locate	7	0.7%
Complainant Withdrawal	5	1.3%	Complainant Withdrawal	18	1.7%
Other	0	0.0%	Other	0	0.0%
<b>TOTAL</b>	<b>376</b>	<b>100.0%</b>	<b>TOTAL</b>	<b>1061</b>	<b>100.0%</b>

\*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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