

**Texas
Workforce
Commission**

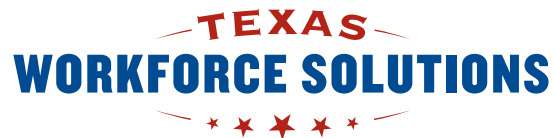


**FY 2013
Commission on Human Rights
Annual Report**



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 2013

**COMMISSION ON HUMAN RIGHTS
ANNUAL REPORT**

PERIOD COVERED

SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2013

PREPARED BY

TEXAS WORKFORCE COMMISSION, CIVIL RIGHTS DIVISION

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DECEMBER 2013



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Commission on Human Rights

December 19, 2013

The Honorable Rick Perry
The Honorable David Dewhurst
The Honorable Joe Straus
Ursula M. Parks, Director, Legislative Budget Board

SUBJECT: FY 2013 Commission on Human Rights Annual Report

Enclosed is the Fiscal Year (FY) 2013 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 and provides the total number of African Americans, Hispanic Americans, females, and other persons hired for each job category by state agencies. 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

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Veronica V. Stidvent
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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 NEW HIRES AND

STATEWIDE DATA RELATING TO EMPLOYMENT & HOUSING DISCRIMINATION CASES FILED AND CLOSED

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I. Purpose

Texas Labor Code § 21.003(d), § 21.504 and § 301.156 require the Texas Workforce Commission Civil Rights Division (CRD) to submit three annual reports. This Annual Report combines the following statutory reporting requirements:

- Texas Labor Code § 21.003(d) requires CRD to make a comprehensive report at least annually on its activities to the Governor and to the Legislature.
- 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 closed employment and housing cases by the reason for closure, including findings or determinations of cause or no cause, successful conciliation, right to sue notices 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 Agencies New Hire 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 data transmission. The data in this report covers fiscal year 2013.

Analysis of Statewide Employment Complaints Filed by Basis and Issue:

EEOC provided statewide data (combined CRD, EEOC, and local commissions) on employment complaints filed for September 1, 2012 through August 31, 2013. 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 data (combined CRD, EEOC, and local commissions) on employment cases closed for September 1, 2012 through August 31, 2013. 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 (IMS) 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 data (combined CRD, HUD, and local commissions) on housing complaints filed for September 1, 2012 through August 31, 2013. 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 data (combined CRD, HUD, and local commissions) on housing cases closed for September 1, 2012 through August 31, 2013. 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 HUD's Title Eight Automated Paperless Office Tracking System (TEAPOTS) case management and tracking database as the State of Texas' Fair Housing Assistance Program partner with HUD.

III. Results and Observations

State Agencies New Hire 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 other new hires 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 organizations' analysis of current workforce data, 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 highest percentages of employment complaints filed by basis with CRD and statewide during FY 2013 were based on retaliation (18% for CRD and 23.3% for statewide).

Employment complaint data by issue for CRD and statewide are indicated in Chart 2 and Table 2. The highest percentages of employment complaints filed by issue with CRD and statewide during FY 2013 consisted of discharge and wages (25.5% for CRD and 27.5% for statewide). Other issues in significant numbers include harassment (13.6% with CRD and 11.5% for statewide) and terms and conditions of employment (12.3% with CRD and 10.7% for statewide).

CRD and statewide employment case closure data is shown in Chart 3 and Table 3. The majority of employment cases closed as no cause with CRD at 71.9% and 66.4% statewide. However, 19.9% of employment cases with CRD and 17.9% of employment cases 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 2013 was 104 days.

CRD and statewide housing complaint data by basis of complaint is shown in Chart 4 and Table 4. The highest percentages of housing complaints filed by basis with CRD and statewide during FY 2013 were based on disability (34.2% filed with CRD and 35.3% filed statewide). The other major category of complaints filed in significant numbers was race (27.8% filed with CRD and 27.5% filed statewide).

CRD and statewide housing complaint data by issue is shown in Chart 5 and Table 5. The highest percentage of complaints filed by issue both with CRD and statewide consisted of terms and conditions (47.7% for CRD and 49.1% statewide). Other issues encompassing significant numbers were refusal to rent (16.5% for CRD and 15.3% statewide), intimidation/interference (15.6% with CRD and 12.9% statewide) and combined reasonable accommodation and modification (13% with CRD and statewide).

CRD and statewide housing case closure data is shown in Chart 6 and Table 6. The major categories were no cause (48.0% with CRD and 41.2% statewide), successful conciliation (26.2% with CRD and 19.2% statewide) and withdrawal with settlement (11.1% with CRD and 28.0% statewide).

The average processing time for housing complaints resolved by CRD for FY 2013 was 255 days.

CRD has undergone a Rapid Process Improvement (RPI) Initiative during FY 2013. RPI combines the management theories of Six Sigma, Lean and Theory of Constraints to identify blockages (or “bottlenecks”) and to develop solutions for improved quality and efficiency. With RPI improvements, CRD intends to continue to reduce employment and housing discrimination in the State of Texas through enforcement efforts and education of consumers, employers/providers, and other stakeholders of rights and responsibilities under the law.

IV. Acknowledgement

CRD would like to thank the Office of the Comptroller for its assistance and cooperation in the preparation of this report.

Attachment

STATE OF TEXAS
ANNUAL REPORT - STATEWIDE NEW HIRE/WORKFORCE SUMMARY
FINAL
FOR 09/01/2012 THROUGH 08/31/2013

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	1,291	152	179	674	484
C	Administrative Support	7,231	1,356	2,111	6,082	632
M	Service/Maintenance	2,678	709	849	1,047	746
P	Professionals	24,307	2,662	3,566	13,763	8,256
Q	Para-Professional	5,940	2,105	1,663	3,908	783
R	Protective Services	9,600	3,394	2,036	4,524	2,477
S	Skilled/Craft	1,415	121	369	64	885
T	Technicians	8,492	1,395	1,761	5,183	2,347
	TOTALS	60,954	11,894	12,534	35,245	16,610

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	17,902	1,871	2,646	9,302	6,722
C	Administrative Support	41,083	7,907	12,565	35,689	2,754
M	Service/Maintenance	14,902	3,641	5,305	6,499	3,687
P	Professionals	155,609	17,025	24,629	87,233	53,599
Q	Para-Professional	23,412	7,679	6,695	16,527	2,724
R	Protective Services	50,077	15,951	10,856	22,454	14,503
S	Skilled/Craft	10,878	886	2,791	515	6,881
T	Technicians	37,883	6,333	9,264	21,853	10,977
	TOTALS	351,746	61,293	74,748	200,072	101,847

Charts and Tables

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

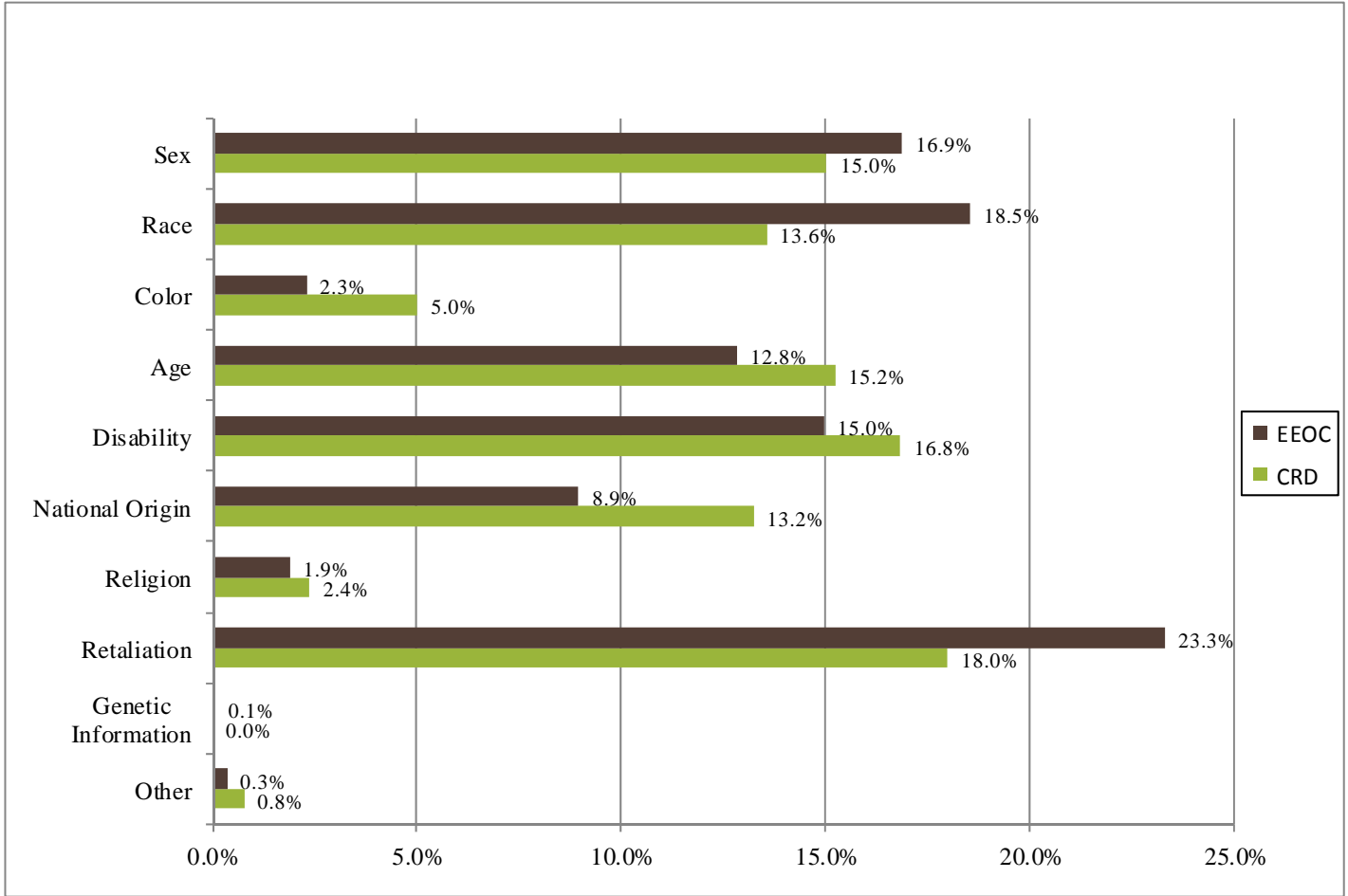


Table 1. CRD and Statewide Employment Complaints Filed by Basis

CRD			EEOC		
BASIS	NUMBER	PERCENTAGE	BASIS	NUMBER	PERCENTAGE
Sex	234	15.0%	Sex	3,052	16.9%
Race	211	13.6%	Race	3,351	18.5%
Color	78	5.0%	Color	415	2.3%
Age	237	15.2%	Age	2,321	12.8%
Disability	262	16.8%	Disability	2,705	15.0%
National Origin	206	13.2%	National Origin	1,619	8.9%
Religion	37	2.4%	Religion	342	1.9%
Retaliation	280	18.0%	Retaliation	4,211	23.3%
Genetic Information	0	0.0%	Genetic Information	11	0.1%
Other	12	0.8%	Other	63	0.3%
TOTAL	1,557	100%	TOTAL	18,090	100%

Chart 2. Statistical Analysis of CRD and Statewide Employment Complaints Filed by Issue

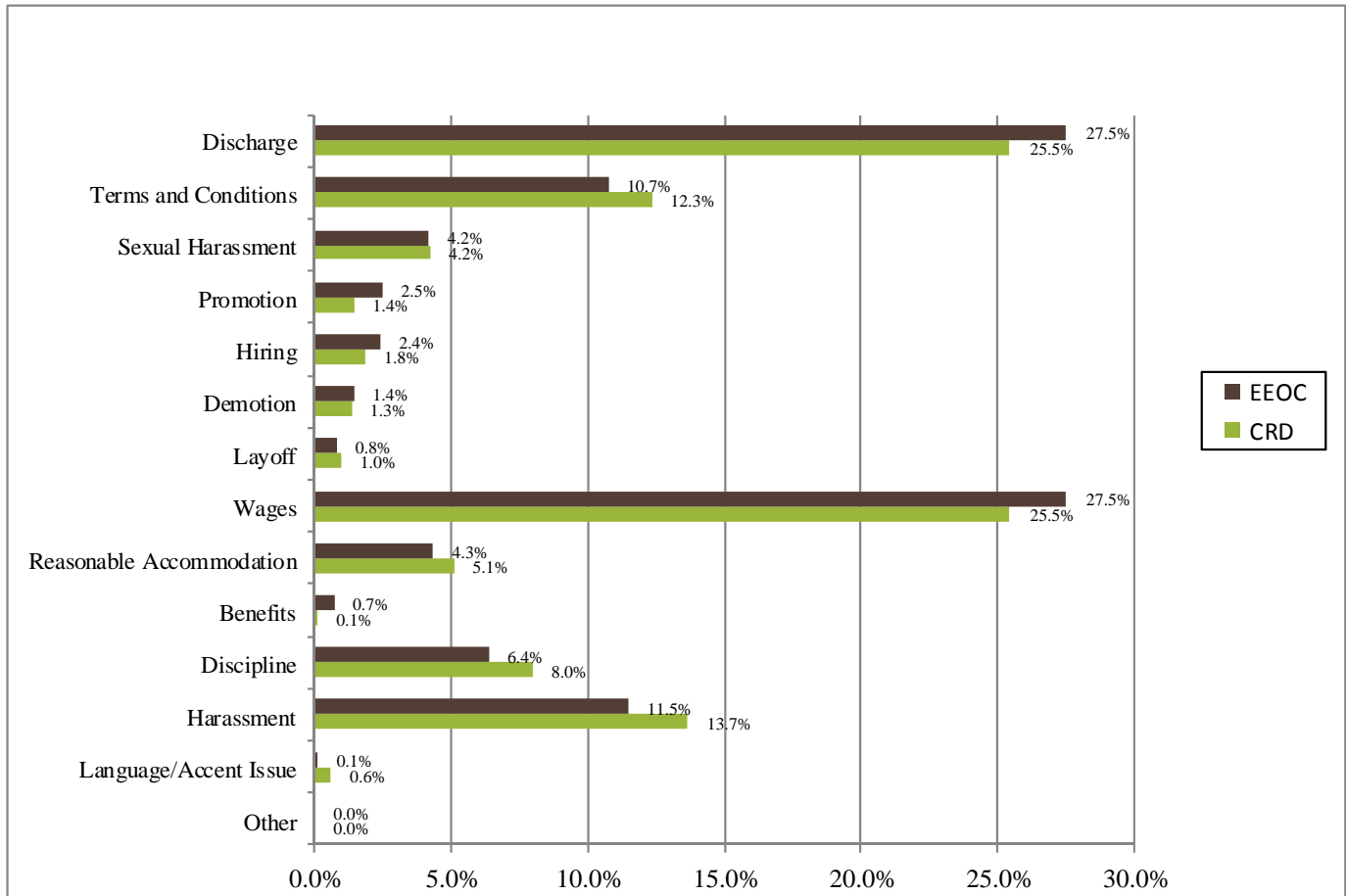


Table 2. CRD and Statewide Employment Complaints Filed by Issue

ISSUES	CRD		ISSUES	EEOC	
	NUMBER	PERCENTAGE		NUMBER	PERCENTAGE
Discharge	496	25.5%	Discharge	5,941	27.5%
Terms & Conditions	240	12.3%	Terms & Conditions	2,316	10.7%
Sexual Harassment	82	4.2%	Sexual Harassment	899	4.2%
Promotion	28	1.4%	Promotion	532	2.5%
Hiring	36	1.8%	Hiring	516	2.4%
Demotion	26	1.3%	Demotion	309	1.4%
Layoff	19	1.0%	Layoff	172	0.8%
Wages	496	25.5%	Wages	5,941	27.5%
Reasonable Accommodation	99	5.1%	Reasonable Accommodation	936	4.3%
Benefits	2	0.1%	Benefits	151	0.7%
Discipline	155	8.0%	Discipline	1,372	6.4%
Harassment	266	13.7%	Harassment	2,477	11.5%
Language/Accent Issue	3	0.6%	Language/Accent Issue	24	0.1%
Other	0	0%	Other	0	0.0%
TOTAL	1,948	100%	TOTAL	21,586	100%

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

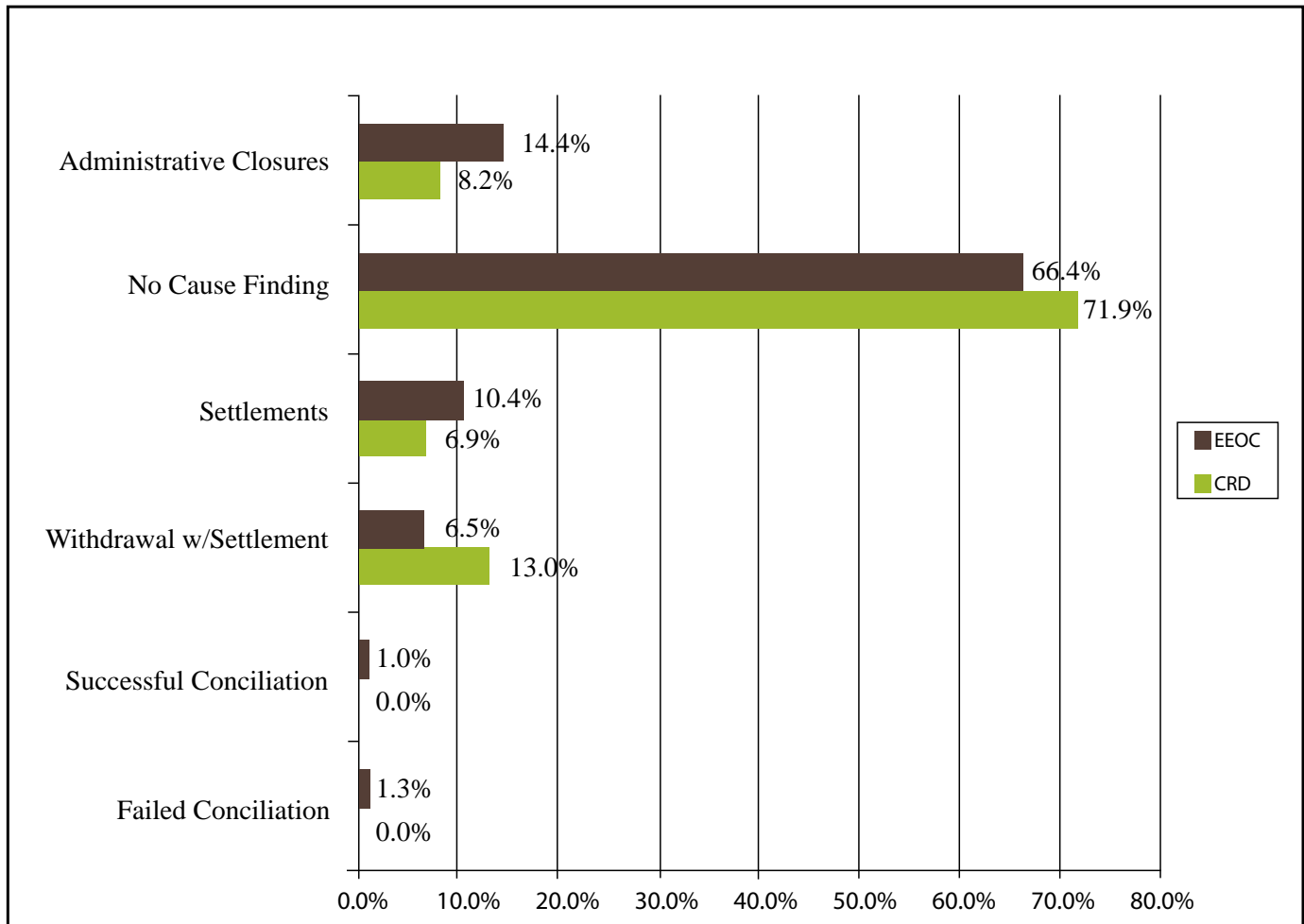


Table 3. Closed CRD and Statewide Employment Closures By Type of Closure

CLOSURE TYPE	CRD		CLOSURE TYPE	EEOC	
	NUMBER	PERCENTAGE		NUMBER	PERCENTAGE
Administrative Closures	52	8.2%	Administrative Closures	1,357	14.4%
No Cause Finding	459	71.9%	No Cause Finding	6,266	66.4%
Settlements	44	6.9%	Settlement	978	10.4%
Withdrawal w/Settlement	83	13.0%	Withdrawal w/Settlement	617	6.5%
Successful Conciliation	0	0.0%	Successful Conciliation	99	1.0%
Failed Conciliation	0	0.0%	Failed Conciliation	121	1.3%
TOTAL	638	100%	TOTAL	9,438	100%

Note: Administrative Closures include Right to Sue Issued, Failure to Cooperate, Lack of Jurisdiction, and Failure to Locate. Also, the total number of closures reported by CRD in the Texas Workforce Commission Annual Report for FY 2013 is 650 per a report run by CRD from the EEOC's Integrated Mission System. This figure represents 12 more closures than the total of 638 received from a report generated by the EEOC and shown above. Per the EEOC, the majority of those 12 cases were closures in which CRD performed substantial work on the cases, and then the cases were transferred or deferred to the EEOC in accordance with the agencies' workshare agreement; and the EEOC granted contract credit to and paid CRD for these cases. The EEOC's database, however, only allows input for a single agency to be listed as closing a case; therefore, since the EEOC finalized these transferred/deferred cases, they are not reflected in the EEOC's total closures report.

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

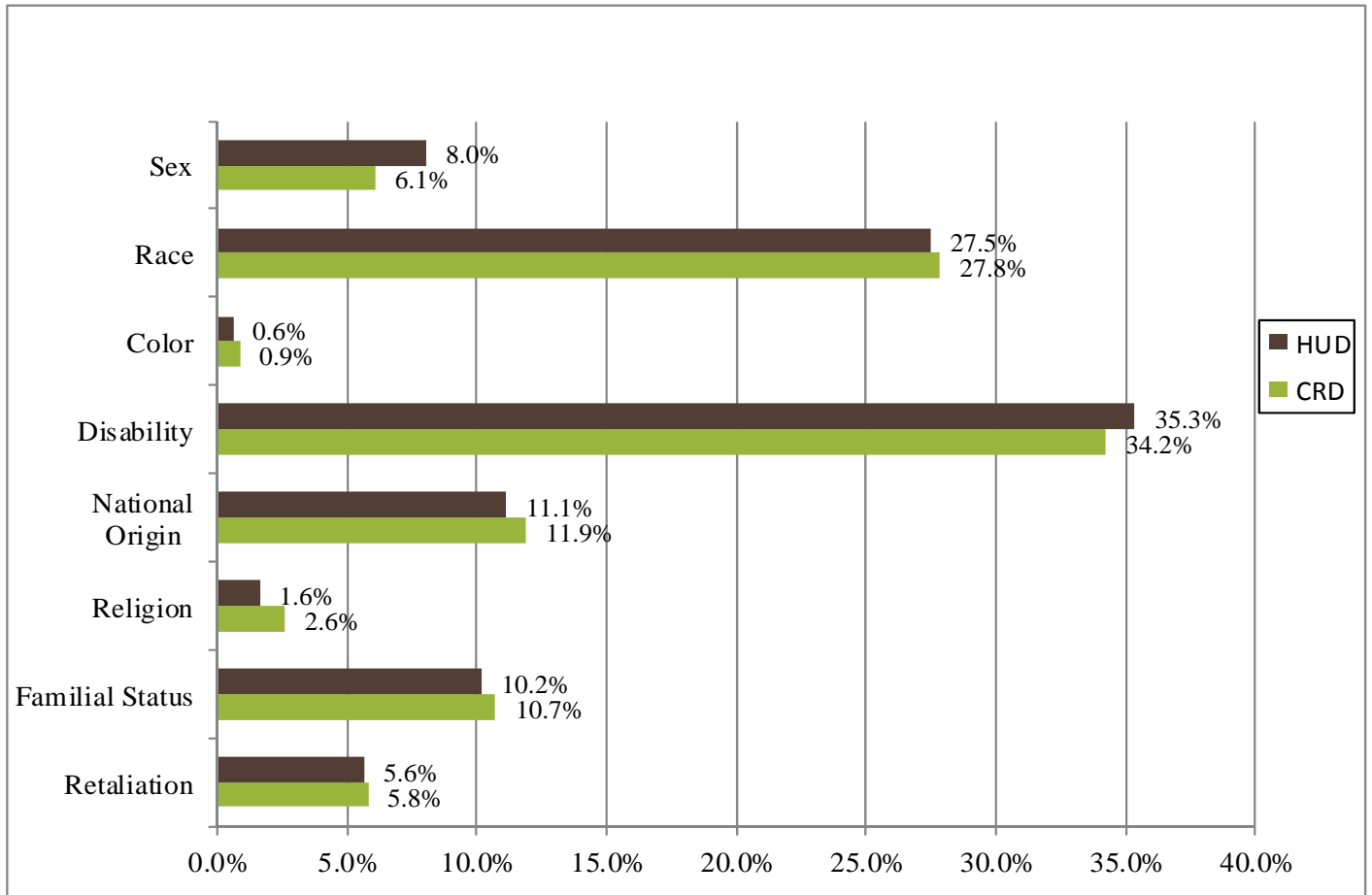


Table 4. CRD and Statewide Housing Complaints Filed by Basis

BASIS	CRD		BASIS	HUD	
	NUMBER	PERCENTAGE		NUMBER	PERCENTAGE
Sex	21	6.1%	Sex	94	8.0%
Race	96	27.8%	Race	321	27.5%
Color	3	0.9%	Color	7	0.6%
Disability	118	34.2%	Disability	413	35.3%
National Origin	41	11.9%	National Origin	130	11.1%
Religion	9	2.6%	Religion	19	1.6%
Familial Status	37	10.7%	Familial Status	119	10.2%
Retaliation	20	5.8%	Retaliation	66	5.6%
TOTAL	345	100%	TOTAL	1,169	100%

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

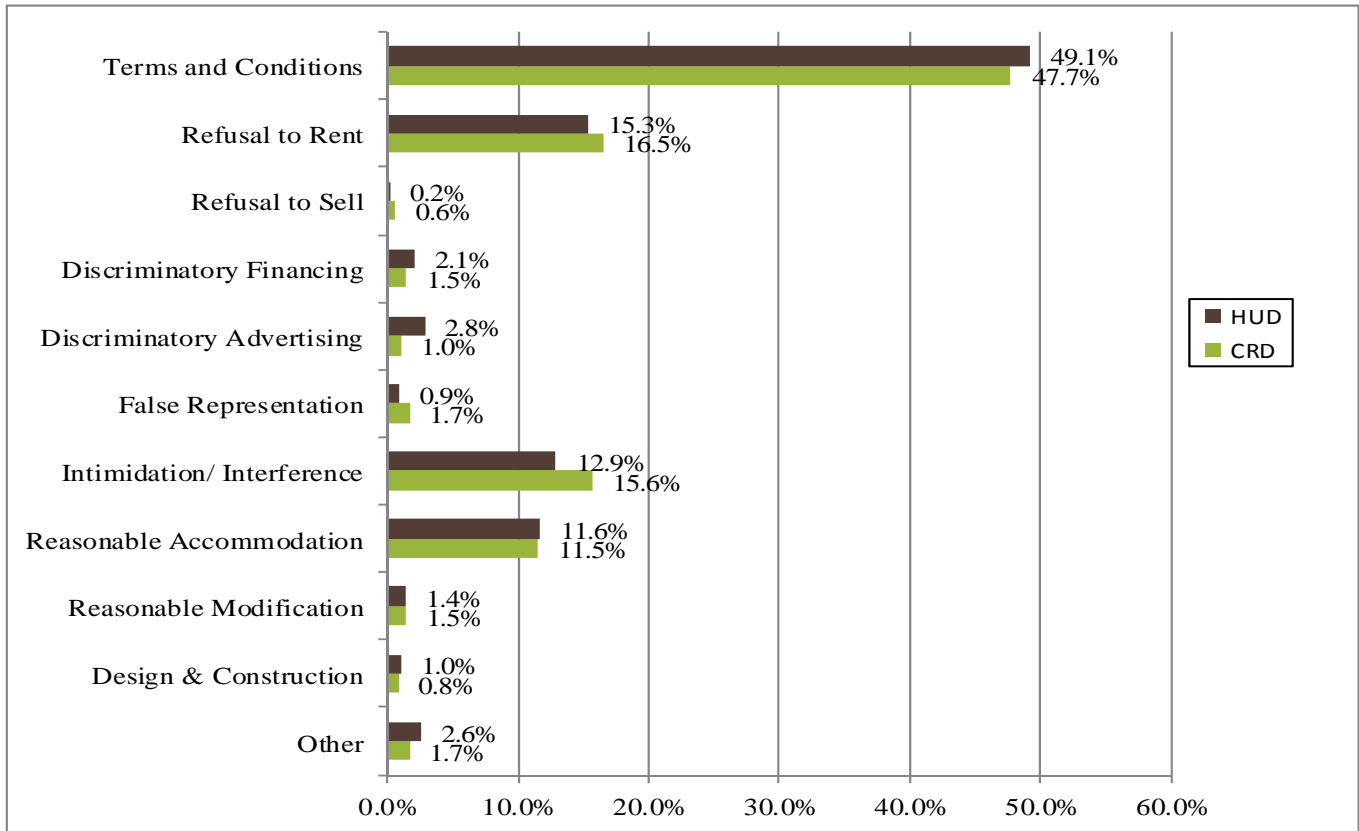


Table 5. CRD and Statewide Housing Complaints Filed by Issue

CRD			HUD		
ISSUE	NUMBER	PERCENTAGE	ISSUE	NUMBER	PERCENTAGE
Terms and Conditions	229	47.7%	Terms and Conditions	797	49.1%
Refusal to Rent	79	16.5%	Refusal to Rent	248	15.3%
Refusal to Sell	3	0.6%	Refusal to Sell	3	0.2%
Discriminatory Financing	7	1.5%	Discriminatory Financing	34	2.1%
Discriminatory Advertising*	5	1.0%	Discriminatory Advertising*	46	2.8%
False Representation	8	1.7%	False Representation	15	0.9%
Intimidation/Interference	75	15.6%	Intimidation/Interference	209	12.9%
Reasonable Accommodation	55	11.5%	Reasonable Accommodation	189	11.6%
Reasonable Modification	7	1.5%	Reasonable Modification	23	1.4%
Design and Construction	4	0.8%	Design and Construction	17	1.0%
Other	8	1.7%	Other	42	2.6%
TOTAL	480	100%	TOTAL	1,623	100%

*False Advertising is included in the discriminatory advertising category.

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

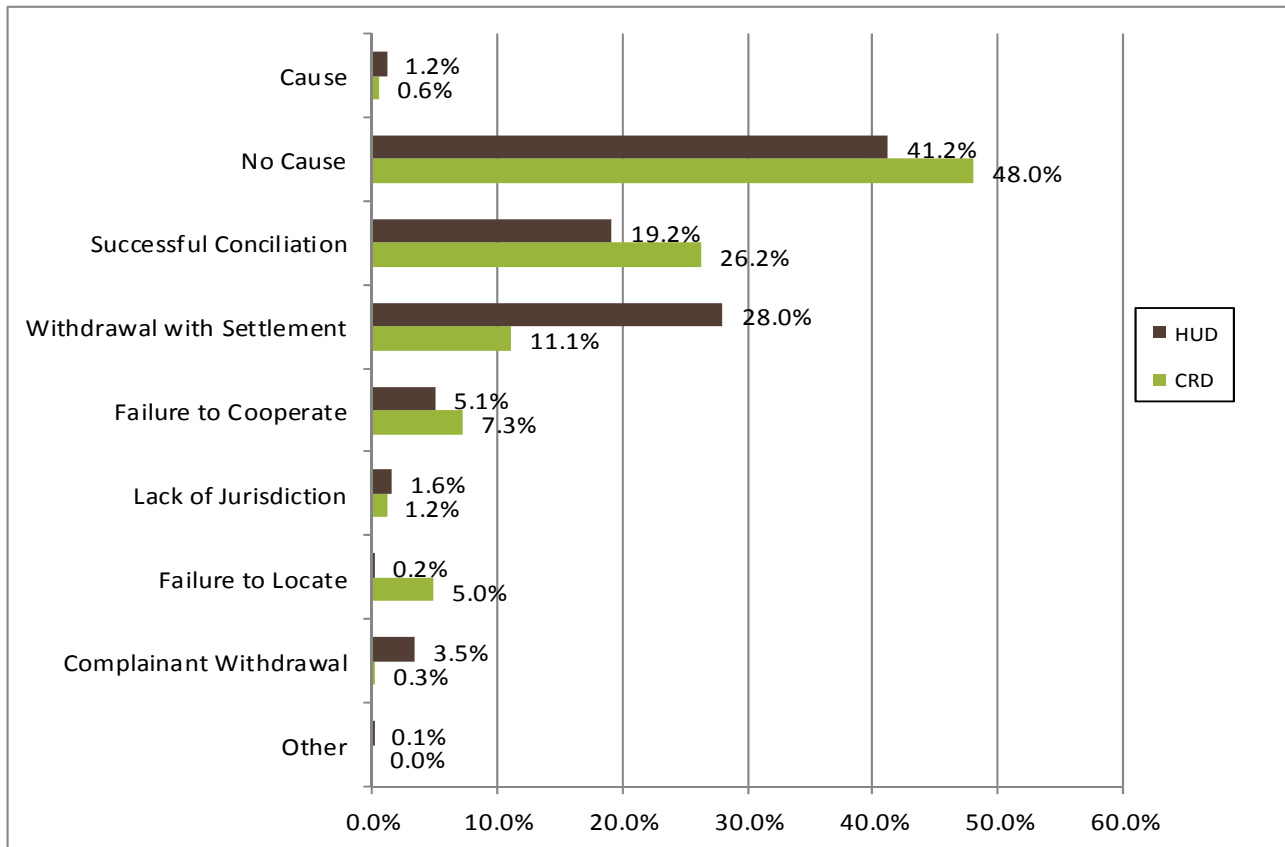


Table 6. Closed CRD and Statewide Housing By Type of Closure

CLOSURE TYPE	CRD		CLOSURE TYPE	HUD	
	NUMBER	PERCENTAGE		NUMBER	PERCENTAGE
Cause	2*	0.6%	Cause	11*	1.2%
No Cause	168	48.0%	No Cause	390	41.2%
Successful Conciliation*	90	26.2%	Successful Conciliation*	177	19.2%
Withdrawal With Settlement	38	11.1%	Withdrawal With Settlement	259	28.0%
Failure to Cooperate	25	7.3%	Failure to Cooperate	47	5.1%
Lack of Jurisdiction	4	1.2%	Lack of Jurisdiction	15	1.6%
Failure to Locate	17	5.0%	Failure to Locate	2	0.2%
Complainant Withdrawal	1	0.3%	Complainant Withdrawal	32	3.5%
Other	0	0.0%	Other	2	0.1%
TOTAL	343	100%	TOTAL	924	100.0%

*Cause cases are reported in the successful conciliation category or other category in the year which they are resolved. The fiscal year that a cause case is funded may differ.

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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Equal Opportunity Employer/Program

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