



**Commission on Human Rights
Annual Report
Fiscal Year 2014**



**Texas Workforce Commission Mission:
To promote and support a workforce
system that creates value and
offers employers, individuals, and
communities the opportunity to
achieve and sustain economic
prosperity.**





Commission on Human Rights Annual Report Fiscal Year 2014



Period Covered
Sept. 1, 2013 – Aug. 31, 2014

Prepared By

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December 31, 2014



A Message From the Commissioners

Enclosed is the Fiscal Year (FY) 2014 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 §21.003(d) and §21.504 to make a comprehensive report on the Commission's activities, including 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,

Thomas Anderson, JD, SPHR
Chairman
Commissioner for Industry

Toni R. Glover
Commissioner for the Public

Veronica V. Stidvent
Commissioner for the Public

Michelle H. Diggs
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Commissioner for Labor



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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 submit 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 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 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, utilized a computerized program for transmission of data. The data in this report covers fiscal year 2014.

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, 2013 through August 31, 2014. Please note that the data provided Statewide includes preliminary EEOC data. Official EEOC data will not be published until January 2015.

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. CRD used the total charges filed as the denominator for these percentages. In prior reports, the total bases/issues were used.

Analysis of Statewide Employment Cases Closed by Type:

EEOC provided statewide data (combined CRD, EEOC, and local commissions) on employment complaints filed for September 1, 2013 through August 31, 2014. Please note that the data provided Statewide includes preliminary EEOC data. Official EEOC data will not be published until January 2015.

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, 2013 through August 31, 2014. Using the data from HUD, CRD analyzed complaints filed by the basis of the complaint, including sex, race, color, disability, national origin, religion, familial status, and retaliation 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 false representation, intimidation/interference, reasonable accommodation or modification, design and construction, and other. CRD compared housing complaints filed with CRD by basis and issue with the complaints filed statewide by basis and issue. CRD used the total charges as the denominator for the percentages. In prior reports, the total bases/issues were used.

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, 2013 through August 31, 2014. 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, failure to cooperate by the complainant, lack of jurisdiction, failure to locate, complainant withdrawal, judicial consent, untimely filed, and other 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.

Personnel Policies and Procedures Reviews—Non-Compliance Categories:

CRD reviews state agency personnel policies and procedures, and implementation of same, to determine compliance with laws and regulations related to employment. If the division identifies concerns, staff recommends best practice solutions to help the agency become compliant. The division reviews all state agencies and universities on a six-year schedule. CRD analyzed the types and frequency of non-compliance by state agencies.

Equal Employment Opportunity/Sexual Harassment Training:

State agencies must provide all new hires with training on Equal Employment Opportunity (EEO), including sexual harassment, within 30 days and supplemental training every two years. CRD is required by statute to provide materials for such training. In addition to instructor-led "live" training provided by CRD, the division launched computer based training (CBT) as an option in August of 2013. The division analyzed the number of state employees receiving live and CBT training.

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 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 highest percentage of employment complaints filed by basis with CRD and statewide during FY 2014 was based on retaliation (37% for CRD and 45% for statewide).

Employment complaint data by issue for CRD and statewide are indicated in Chart 2 and Table 2. The highest percentage of employment complaints filed by issue with CRD and statewide during FY 2014 consisted of discharge (63% for CRD and 59% for statewide). Other issues in significant numbers include harassment (43% with CRD and 28% for statewide) and discipline (22% with CRD and 15% 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 57% and 67% statewide. However, 26% of employment cases closed with CRD and 17% 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 2014 was 161 days.

CRD and statewide housing complaint data by basis of complaint is shown in Chart 4 and Table 4. The highest percentage of housing complaints filed by basis with CRD and statewide during FY 2014 was based on disability (51% filed with CRD and 53% filed statewide). The other major category was race (39% filed with CRD and 35% 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 (84% for CRD and 86% statewide). Other issues encompassing significant numbers were refusal to rent (35% for CRD and 29% statewide), intimidation/interference (35% with CRD and 23% statewide) and combined reasonable accommodation and modification (32% with CRD and 33% statewide).

CRD and statewide housing case closure data is shown in Chart 6 and Table 6. The major categories were no cause (53% with CRD and 45% statewide), successful conciliation (25% with CRD and 21% statewide) and withdrawal with settlement (11% with CRD and 25% statewide).

The average processing time for housing complaints resolved by CRD for FY 2014 was 206 days.

Personnel Policies and Procedures Reviews—Non-Compliance Categories:

Statewide non-compliant categories by percentages are shown on Chart 7 and Table 7. Major categories of non-compliance were EEO Training at 32% and Hiring Process at 21%.

Equal Employment Opportunity/Sexual Harassment Training:

The number of state employees trained on EEO/Sexual Harassment is reflected on Chart 8 and Table 8. 277 state employees received live training and 3,502 took the CBT training, for a total of 3,779 trainees.



IV. Acknowledgments

CRD would like to thank Jonathan Judge with the Office of the Comptroller for his assistance and cooperation in the preparation of this report.

Attachment

Statewide New Hire/Workforce Summary for Sept. 1, 2013 through Aug. 31, 2014

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	1,214	155	155	654	43
C	Administrative Support	7,119	1,389	1,989	6,010	603
M	Service/Maintenance	2,670	756	793	1,077	730
P	Professionals	25,746	2,815	3,685	14,584	8,812
Q	Para-Professional	5,867	1,999	1,748	3,906	805
R	Protective Services	10,586	3,821	2,342	5,426	2,388
S	Skilled/Craft	1,165	100	296	82	713
T	Technicians	8,760	1,545	1,801	5,396	2,381
	TOTALS	63,127	12,580	12,809	37,135	16,866

Statewide Agency Workforce

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	18,539	2,029	2,923	9,793	6,703
C	Administrative Support	39,858	7,822	11,903	34,708	2,690
M	Service/Maintenance	14,008	3,475	4,896	6,075	3,563
P	Professionals	157,134	16,937	24,484	87,858	54,385
Q	Para-Professional	22,873	7,680	6,560	16,162	2,684
R	Protective Services	51,214	16,839	11,324	23,477	14,106
S	Skilled/Craft	10,527	911	2,735	646	6,481
T	Technicians	40,945	7,339	10,447	24,653	10,933
	TOTALS	355,098	63,032	75,272	203,372	101,545

Chart 1

Statistical Analysis of CRD and Statewide Employment Complaints Filed by Basis

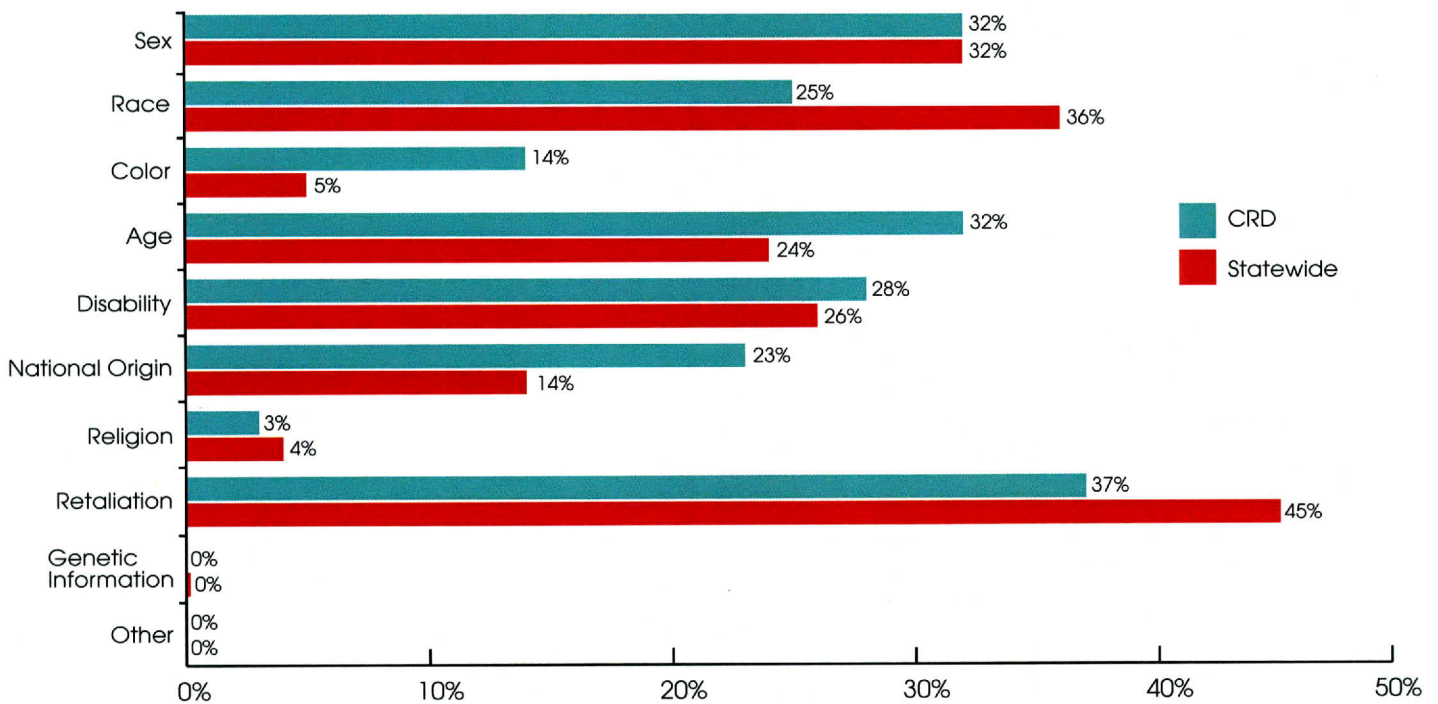


Table 1

CRD and Statewide Employment Complaints Filed by Basis

CRD			Statewide		
Basis	Number	Percentage	Basis	Number	Percentage
Sex	243	32%	Sex	3,066	32%
Race	191	25%	Race	3,452	36%
Color	108	14%	Color	511	5%
Age	246	32%	Age	2,318	24%
Disability	213	28%	Disability	2,549	26%
National Origin	173	23%	National Origin	1,368	14%
Religion	21	3%	Religion	346	4%
Retaliation	279	37%	Retaliation	4,375	45%
Genetic Information	0	0%	Genetic Information	14	0%
Other	0	0%	Other	0	0%
Total Charges Filed	760		Total Charges Filed	9,668	

Note: CRD numbers are a subset of the Statewide numbers. Please note that there were a total of 760 CRD Charges and a total of 9,668 Statewide Charges in FY 2014. Some charges filed involve multiple bases. Therefore, the Percentage is calculated based on the total number of Charges Filed for CRD or Statewide, as relevant.

Chart 2

Statistical Analysis of CRD and Statewide Employment Complaints Filed by Issue

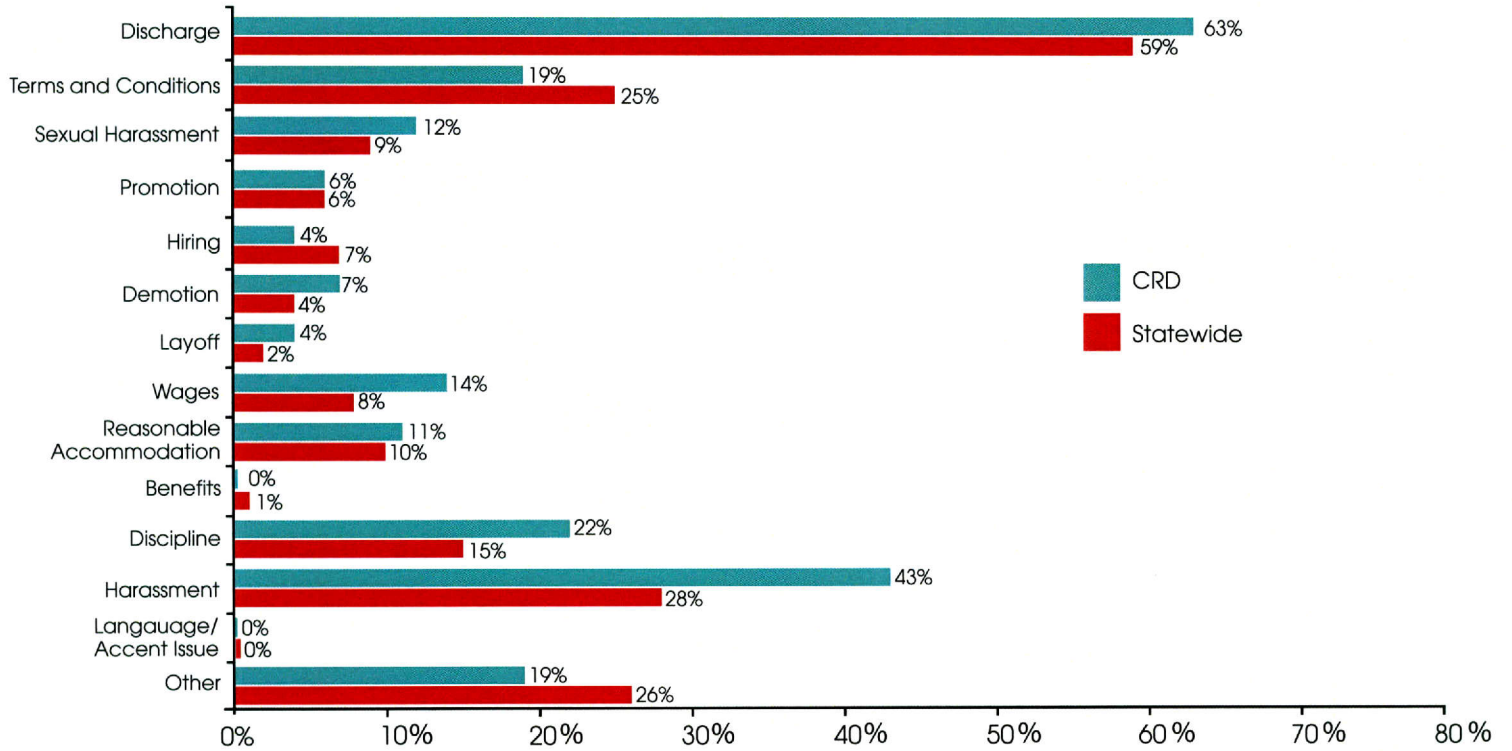


Table 2

CRD and Statewide Employment Complaints Filed by Issue

CRD			Statewide		
Basis	Number	Percentage	Basis	Number	Percentage
Discharge	476	63%	Discharge	5,679	59%
Terms and Conditions	148	19%	Terms and Conditions	2,415	25%
Sexual Harassment	90	12%	Sexual Harassment	873	9%
Promotion	49	6%	Promotion	544	6%
Hiring	33	4%	Hiring	661	7%
Demotion	53	7%	Demotion	344	4%
Layoff	28	4%	Layoff	189	2%
Wages	105	14%	Wages	750	8%
Reasonable Accommodation	86	11%	Reasonable Accommodation	1,004	10%
Benefits	1	0%	Benefits	136	1%
Discipline	166	22%	Discipline	1,437	15%
Harassment	323	43%	Harassment	2,690	28%
Language/ Accent Issue	1	0%	Language/ Accent Issue	21	0%
Other	145	19%	Other	2,518	26%
Total Charges Filed	760		Total Charges Filed	9,668	

Note: CRD numbers are a subset of the Statewide numbers. Please note that there were a total of 760 CRD Charges and a total of 9,668 Statewide Charges in FY 2014. Some charges filed involve multiple bases. Therefore, the Percentage is calculated based on the total number of Charges Filed for CRD or Statewide, as relevant.

Chart 3

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

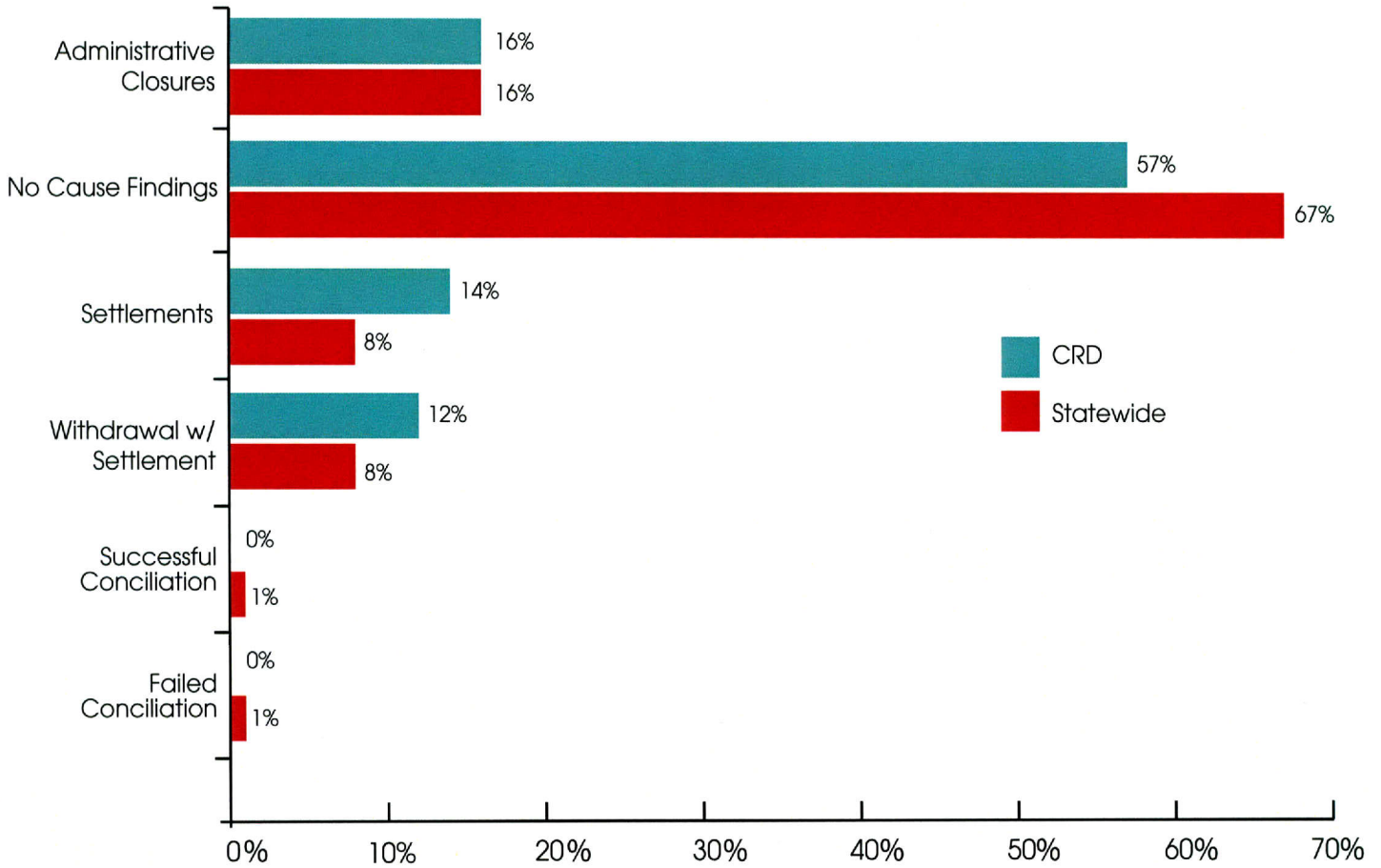


Table 3

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

CRD			Statewide		
Closure Type	Number	Percentage	Closure Type	Number	Percentage
Administrative Closures	105	16%	Administrative Closures	1,508	16%
No Cause Finding	369	57%	No Cause Finding	6,327	67%
Settlements	91	14%	Settlement	791	8%
Withdrawal w/ Settlement	79	12%	Withdrawal w/ Settlement	721	8%
Successful Conciliation	0	0%	Successful Conciliation	66	1%
Failed Conciliation	0	0%	Failed Conciliation	78	1%
Total	644	100%	Total	9,491	100%

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

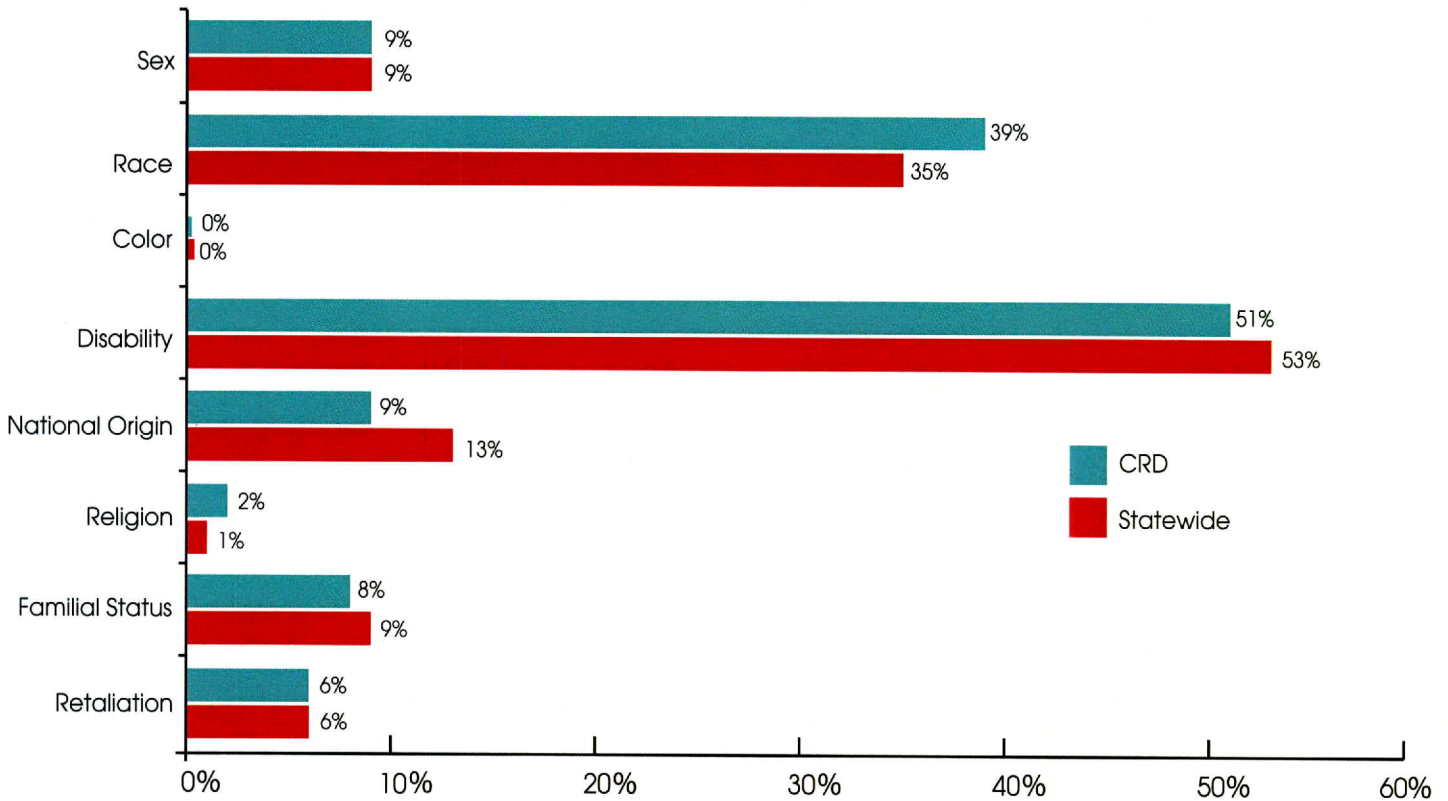


Table 4

Statistical Analysis of CRD and Statewide Housing Complaints Filed by Basis

CRD			Statewide		
Basis	Number	Percentage	Basis	Number	Percentage
Sex	27	9%	Sex	81	9%
Race	116	39%	Race	327	35%
Color	1	0%	Color	2	0%
Disability	153	51%	Disability	500	53%
National Origin	27	9%	National Origin	118	13%
Religion	7	2%	Religion	13	1%
Familial Status	25	8%	Familial Status	83	9%
Retaliation	18	6%	Retaliation	56	6%
Total Charges Filed	298		Total Charges Filed	939	

Note: There were a total of 298 cases filed with CRD and 939 cases filed in Texas. Many of these cases were filed with multiple bases. Therefore, the percentage is calculated based on the total number of Charges Filed for CRD or Statewide, as relevant.

Chart 5

Statistical Analysis of CRD and Statewide Housing Complaints Filed By Issue

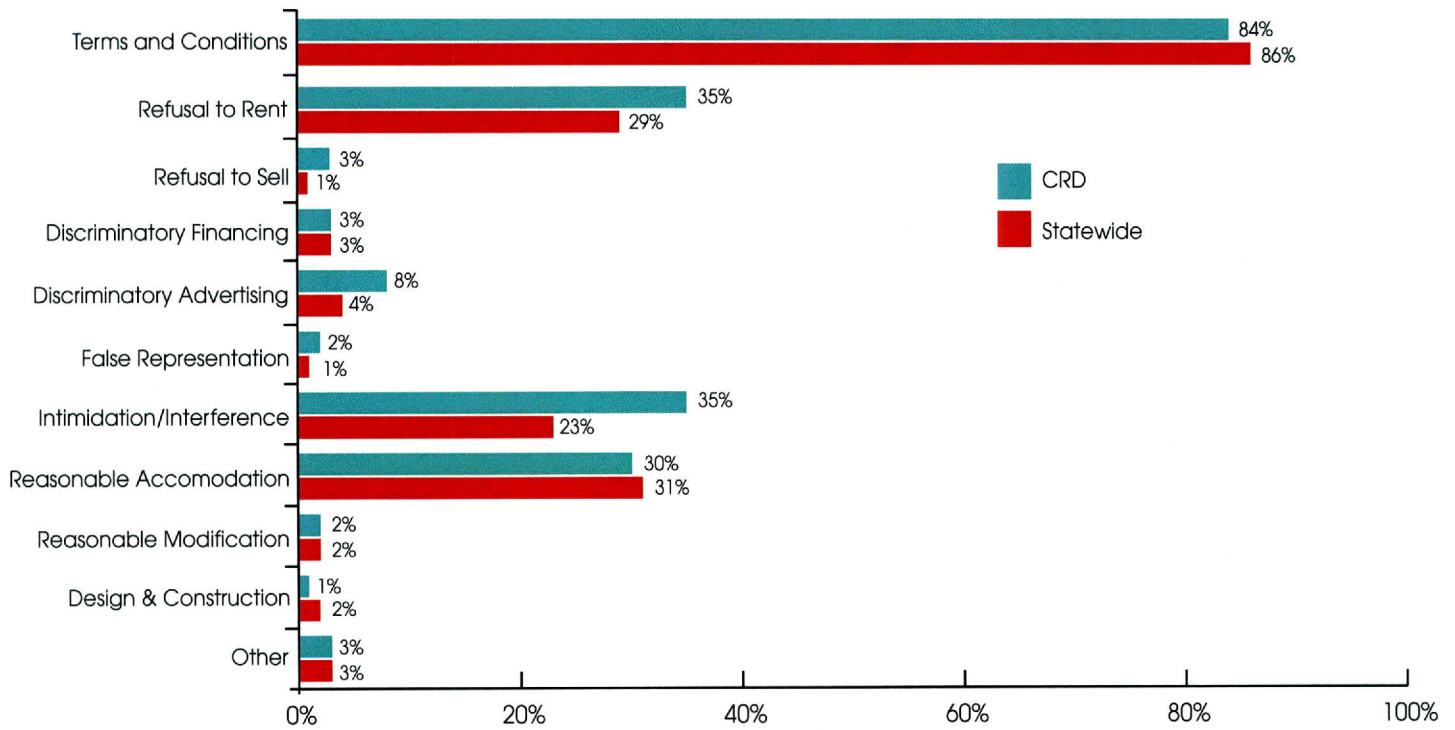


Table 5

CRD and Statewide Housing Complaints Filed by Issue

CRD			Statewide		
Issue	Number	Percentage	Issue	Number	Percentage
Terms and Conditions	250	84%	Terms and Conditions	811	86%
Refusal to Rent	105	35%	Refusal to Rent	275	29%
Refusal to Sell	8	3%	Refusal to Sell	10	1%
Discriminatory Financing	8	3%	Discriminatory Financing	32	3%
Discriminatory Advertising*	24	8%	Discriminatory Advertising*	42	4%
False Representation	6	2%	False Representation	8	1%
Intimidation/Interference	103	35%	Intimidation/Interference	213	23%
Reasonable Accommodation	89	30%	Reasonable Accommodation	294	31%
Reasonable Modification	6	2%	Reasonable Modification	22	2%
Design and Construction	4	1%	Design and Construction	20	2%
Other	10	3%	Other	32	3%
Total Charges Filed	298		Total Charges Filed	939	

*False Advertising is included in the discriminatory advertising category.

Note: There were a total of 298 cases filed with CRD and 939 cases filed in Texas. Therefore, the percentage is calculated based on the total number of Charges Filed for CRD or Statewide, as relevant.

Chart 6

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

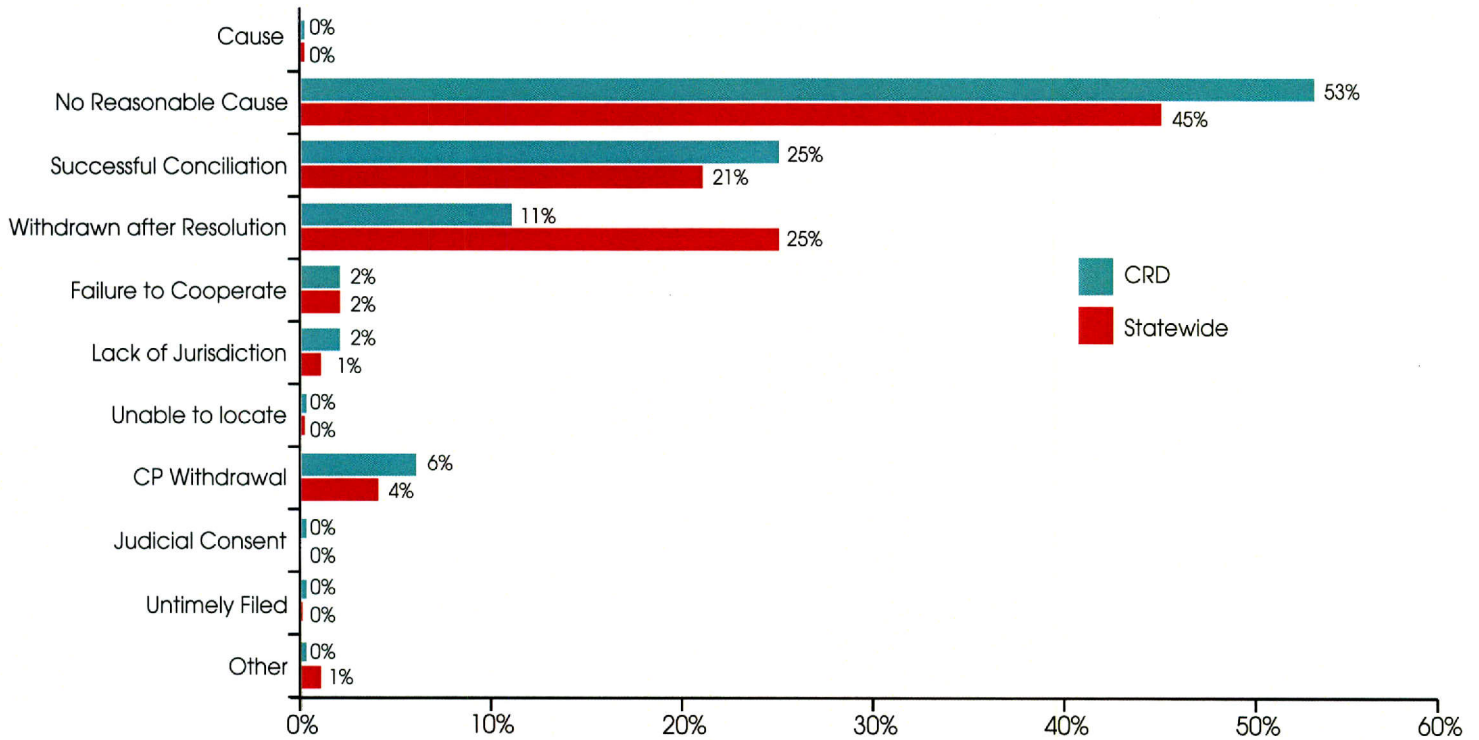


Table 6

Closed CRD and Statewide Housing By Type of Closure

CRD			Statewide		
Closure Type	Number	Percentage	Closure Type	Number	Percentage
Cause*	1	0%	Cause	3	0%
No Reasonable Cause	174	53%	No Reasonable Cause	410	45%
Successful Conciliation**	83	25%	Successful Conciliation*	193	21%
Withdrawal after Resolution	35	11%	Withdrawal after Resolution	232	25%
Failure to Cooperate	7	2%	Failure to Cooperate	18	2%
Lack of Jurisdiction	7	2%	Lack of Jurisdiction	13	1%
Unable to Locate	1	0%	Unable to Locate	2	0%
Complainant Withdrawal	20	6%	Complainant Withdrawal	37	4%
Judicial Consent	1	0%	Judicial Consent	0	0%
Untimely Filed	1	0%	Untimely Filed	1	0%
Other	1	0%	Other	5	1%
Total	330	100%	Total	911	100.0%

*CRD Cause cases reflected have not been closed. The fiscal year that a cause case is closed may differ and will be reflected as Successful Conciliation, Judicial Consent or Other.

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

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

Chart 7

Statistical Analysis of Non-Compliance by State Agencies with Personnel Policies and Procedures Review Categories



Table 7

Percentage of Non-Compliance by State Agencies with Personnel Policies and Procedures Review Categories

ADA	14%
EEO Training	32%
Hiring Process	21%
Personnel Evaluations	19%
Recruitment Plan	14%

Chart 8

Number of State Employees receiving EEO Training

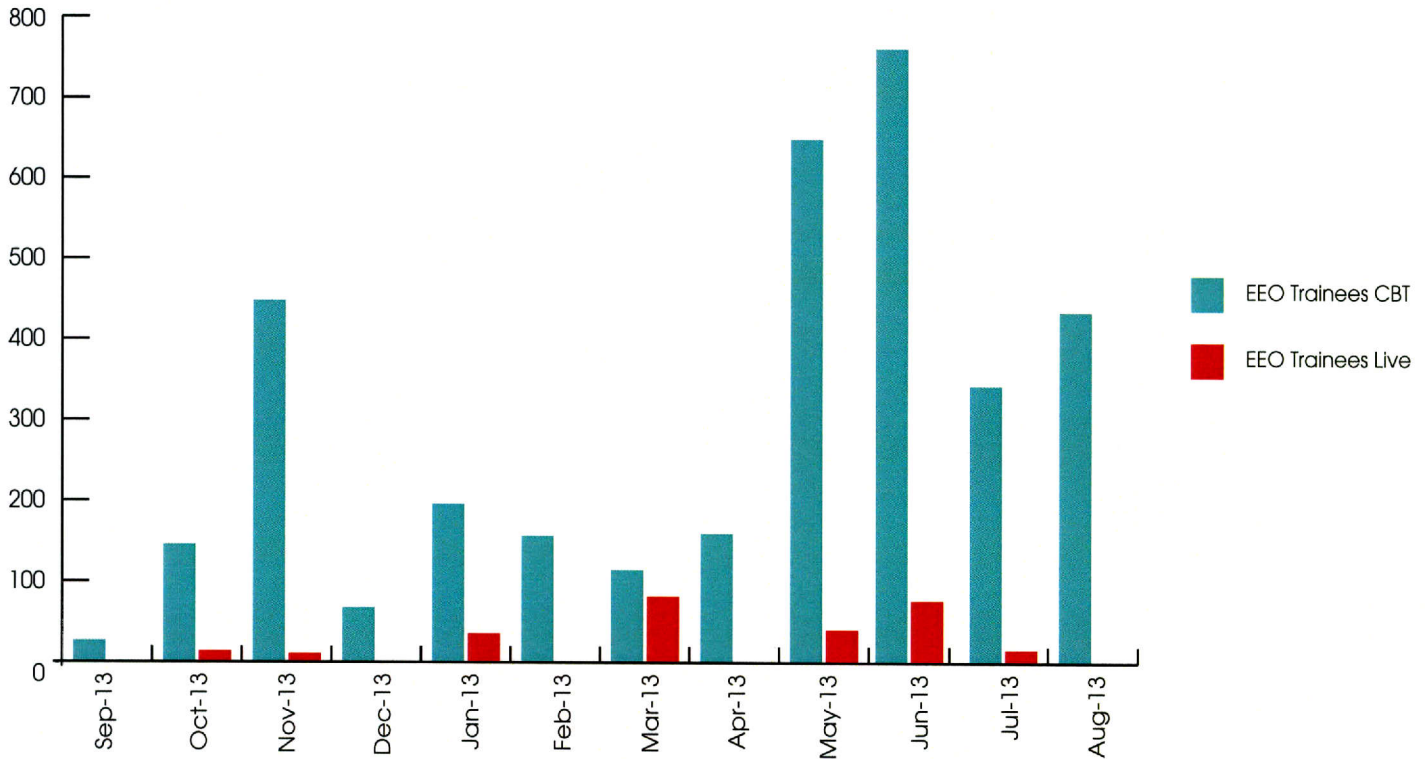


Table 8

Number of State Employees Receiving EEO Training

	EEO Trainees CBT	EEO Trainees Live	EEO Trainees Total
September	27	0	27
October	146	14	160
November	448	11	459
December	68	0	68
January	196	36	232
February	157	0	157
March	115	82	197
April	160	0	160
May	648	41	689
June	760	77	837
July	343	16	359
August	434	0	434
Total	3,502	277	3,779

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