

Civil Rights Reporter

Issue
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JOURNAL OF THE TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION.



Mission Statement

Our mission is to reduce discrimination in employment and housing through education and enforcement of state and federal laws.

Vision

Our vision is to help create an environment in which citizens of the State of Texas may pursue and enjoy the benefits of employment and housing that are free from discrimination.

TEXAS WORKFORCE COMMISSION COMMISSIONERS
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Civil Rights Division

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Civil Rights Division Wins a Best of Texas Award

Robert Gonzalez

Employment Investigation Manager

It was about 93 degrees and blisteringly hot in Austin, Texas on Wednesday, June 1st, and it has done nothing but get hotter since. Despite the heat, plenty of people filled the Capitol Ballroom for the Best of Texas Awards during the Texas Digital Government Summit. The Texas Workforce Commission's Civil Rights and Information Technologies Divisions, having worked together on new digital innovations, accepted the Best of Texas Award for Utilizing Technology/Innovation.

Hindsight usually provides us with a clear view and understanding of where things could have improved. But sometimes, we are blessed with foresight that is just as clear. In the fall of 2019, Civil Rights began working with Information Technology on several initiatives aimed at first going paperless and then completely digital. The combined efforts enjoyed internal support and quickly generated momentum. In a short period of time, we were able to build stable processes and a framework. Just in time too, because in March 2020 COVID-19 hit Texas like the dust storm of '35. Over the past two years, efforts to improve the technological footprint and virtual experience of customers and staff have vigorously continued. The joint initiatives have yielded two apps, comprehensive integration of multiple data sources, extensive automation, and our newest component: machine learning and artificial intelligence.

How this translates to all our customers is exciting. Civil Rights has seen a 42% increase in the number of complaints filed year to date. Despite the much larger volume, we have been able to respond to customers more efficiently and comprehensively than ever before. Customers are getting answers and information immediately and even preemptively. It now takes less than a minute for a customer to be automatically updated with each major action taken on their case, what that action means, and what to expect next.

Staff have a more intuitive digital workspace that removes those "extra steps" employees usually just accept. Our investigators and mediators are now closing cases an average of 13 days faster. That time savings adds up when multiplied by the over 1,000 cases we close each year. We are intentionally addressing that notorious backlog the Division has been plagued with for years.

Director Brian Snoddy often says he would like the Civil Rights Division to operate with the mobility of a startup and he envisions the Division as the future Silicon Valley of Civil Rights. We haven't gotten to where we want to go, but we are well on the way to changing how we utilize technology to better serve everyone in the great state of Texas.

Best Workforce/Workplace Initiative went to the Texas Workforce Commission's Civil Rights Division for using technology to decrease process times.

Using software and solutions already in place, the civil rights team created and implemented workflows and processes to decrease time on complaint resolution, in some cases by 50 percent, according to the agency. Customers have 24/7 access to file complaints, and staff has a central location to track them to resolution. Bryan Snoddy, director of the TWC Civil Rights Division, accepted the award. <https://insider.govtech.com/texas/news/best-of-texas-awards-reflect-innovation-and-collaboration>

PRIDE MONTH

Stonewall Inn: Sparking Pride

Erin Humphreys

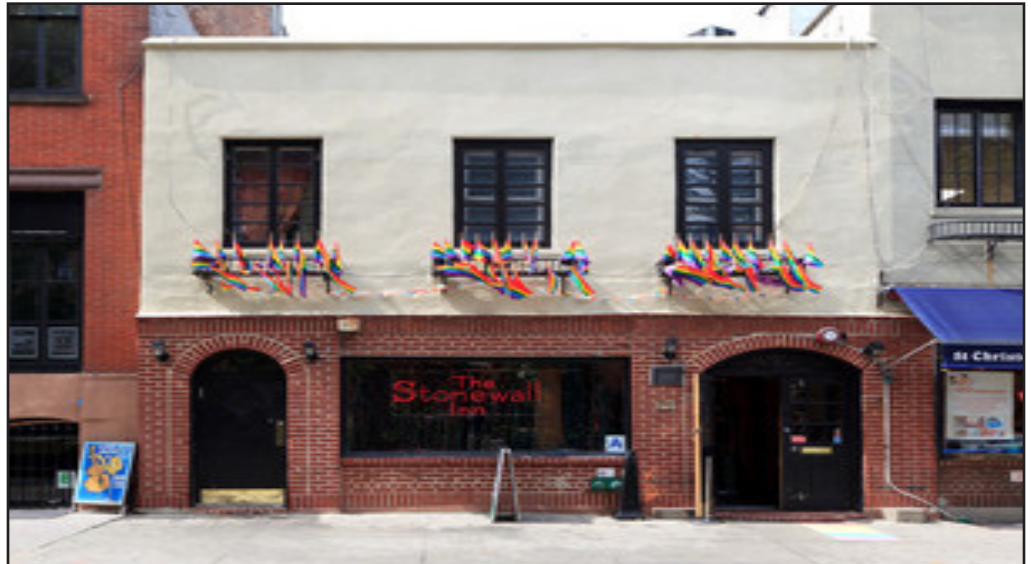
With Pride Month coming to a recent close, Texans across our great state and people across the nation celebrated the progress made by the LGBT rights movement over the last 50 years. Pride Month is a time to share the joy uniqueness of the community; but Pride Month is also a memorial. June is the time to reflect on and be thankful for the strides and sacrifices made by heroes and martyrs since the Stonewall Uprising ignited the community's insistence for equality on June 28, 1969.

In the early hours of that day, the Stonewall Riots kicked off in the New York City in retaliation against the persistent over-regulation of the gay community and the bars they patronized. For the LGBT community, local gay bars and clubs had served as the one sanctuary at which everyone could shamelessly express themselves and shed their otherwise mandatory mask and armor. Until 1966, serving a known or suspected LGBT person alcohol was a crime which would lead to the New York State Liquor Authority (SLA) penalizing and shutting down the offending establishment. Once this was overturned, the gay community was free to congregate and open their own bars and clubs. With no laws or regulations to keep the community oppressed and contained, the need for another means of enforcement became apparent. The New York Police Department tagged in, and the city replaced one crime with another: being gay in public.

The Stonewall Inn was an important community center for the outcasts of New York; the Black and Latinx/Hispanic LGBT community at large, but also drag queens, runaways, and homeless gay youths who were not welcome in many establishments. Typically, bars were forewarned of police raids by cops held under the thumb of the Mafia (which owned most gay bars in the city). In the early hours of June 28, 1969, no warning of an impending raid was shared.

Police entered Stonewall Inn, identified at least some of the alcohol as being illegally produced (bootlegged), and proceeded to violently arrest patrons and sexually harass any suspected "cross-dressers" (also a crime) by checking their sex in the bathroom.

American gay pride parade marched through Manhattan, from Stonewall Inn to Central Park. The tradition continues today, every June the LGBT community across hundreds of cities in every state march in memory of the people who would stand for the oppression



Marsha P. Johnson, a black transfeminine drag queen, is believed to have thrown the first brick; the shot heard round the gay world. A full-blown rebellion (the Stonewall Veterans' Association maintains that this event was never a riot) erupted and the angry crowd began to throw anything and everything at the police. The rioters were eventually dispersed, but only after police, a few prisoners, and a local journalist were trapped in the burning Stonewall Inn (they were subsequently rescued). Over the next five days, protests flared as word got out and the newspapers presented the uprising as an unprovoked riot while using deliberately inflammatory language. Following the riot, many members of the LGBT community conducted demonstrations across New York City. The riot sparked the demonstrations, which in turned helped bring together those in the community to form organizations in support of gay rights.

One year after the Stonewall Riot, the first

no longer at the Stonewall Inn. Marchers congregate in June to publicly refuse to feel shame for displaying their sexual orientations and gender identities in the public's eye.

Since the Stonewall Uprising, the LGBT community has won several important battles at the national level: the Supreme Court ruled that Texas' anti-sodomy law, and all laws like it, were unconstitutional in 2003; in 2015 ruled that same-sex marriages are constitutionally protected; and in 2020 that sexual orientation and gender identity are definitively protected against employment discrimination as defined by sex in Title VII.

The Inn continues to operate today and was designated as a historical landmark in 2016 by President Barack Obama. Great progress has been made but, as in all fights worth having, there is always more to do. So, the marching continues in celebration of the lives and blood that pave the way to equality.

CIVIL RIGHTS REPORTER

Retirement and the Call to Continue to Serve

Patrick Williams
Housing Investigations Manager

After a thirty-year career in the United States Army as a Military Police Officer, I retired from active duty on April 1, 2017. As an officer, I worked in law enforcement for approximately ten years. During those assignments, I worked with German, South Korean, Iraqi, and Afghani police forces on how to manage their units. In this capacity, I had the privilege of seeing how other countries conduct policing and investigations and I was able to interact with different people and departments. It was a great experience. However, my time as the Provost Marshal (Chief of Police) in South Korea and Fort Hood, Texas is where I learned how to manage large police operations and investigations.

I also had the privilege of serving as the Assistant Commandant for the United States Army Military Police School at Fort Leonard Wood, Missouri. In this assignment, I assisted my boss in overseeing the training program for all basic and advanced police training. We also oversaw the investigative training program for the Army and, in some cases, assisted the Department of Defense in their development.

After my retirement, I really had no interest in going back to work. For the next two and a half years, I enjoyed spending time with my wife and kids, and I spent a tremendous amount of time working on my lawn and garden. I must admit, life was great!

In November 2019, a friend called about a job he thought I would be interested in, though I was not actively looking, with the Civil Rights Division. I told him I wasn't interested but asked that he forward the information. Within

a few days, I spoke with the director, Bryan Snoddy, about interviewing for the manager position in the Fair Housing Investigations section. A few days later, he and I met for lunch to discuss the position. I knew very little about fair housing — my only reference was that I grew up in subsidized housing. As we began to discuss the challenges the housing section was having, I wasn't sure about whether the position would be the right fit for me, but it sounded like a lot of the issues within the section could be

corrected with leadership. If I took the position, I knew I would have to learn about fair housing investigations but attending training and learning on the go was something I did frequently in the Army. After interviewing for two other jobs, I decided to accept the position as Manager.

My tenure as manager began on December 9, 2019, and I attended the Fair Housing Training the first week of January. I spent my first 90 days getting

to know the personnel, learning as much as I could about fair housing, and observing how the section operated. My first observations were that housing — and the division — was filled with military veterans. I also saw that there was no requirement for supervisors to review cases with members of their investigations team. Additionally, I noticed that supervisors were assigned cases. After my observation period was up, the first change I implemented was mandatory case review every two weeks and I barred supervisors from investigating cases. This was necessary to give supervisors the time to train and mentor their teams. I learned this from my supervisor of investigations when I was the Provost Marshal at Fort Hood.

During my interview for the position, I was told on many occasions that training was the primary reason the housing section was struggling to accomplish its mission. Upon joining the team, I realized that this was far from the truth. Every investigator had attended training prior to me joining the team, and all attended the fair housing training I attended shortly after assuming the position. As I had thought before accepting the position, leadership is what this great team needed. In implementing new leadership strategies within our section, we have increased the number of closures per month and greatly reduced the average number of days we take to close our open investigations.

I mentioned earlier in the article that life was great after I retired from the military. Now I can also say that after 18 months as the manager for Fair Housing Investigations, life is still great! I'm 100% certain that I made the correct decision in joining the Civil Rights Division.



JUNETEENTH CELEBRATION

Texas Workforce Commission's African American Cultural Society Celebrates Juneteenth with a Scholarship and Mixer

Kimberly Bradford-Brown

Deputy Chief of Staff to Commissioner Demerson and Events Committee
Chair for AACS

The Texas Workforce Commission's (TWC) African American Cultural Society (AACS) has a storied history of giving scholarships to worthy high school students and spreading the culture of African Americans through its Black History and Juneteenth celebrations.

For the past two years, these events have taken place virtually, but on June 16, 2022, after stymied by COVID-19, the in-person festivity was re-ignited! The decision was made and approved by the Agency to have a hybrid meeting to celebrate the newly minted Juneteenth National Holiday! The event was made even more dynamic through the recognition of the educational achievement of Ms. Cambree Session along with awarding her a \$500 scholarship.

Cambree graduated from Tyler High School in Tyler, Texas. She achieved and maintained a 3.9 GPA through graduation. Her plans are to attend college and become a Sports Medicine physician. The TWC AACS is proud to assist students annually in promoting their aspirations through the Barbara Sanders Justice AACS Memorial Scholarship.

This year's Juneteenth event served as one of the major fundraisers which is how the scholarship fund is maintained. So, a big thank you to all those who attended in person or online. Your attendance and support were both felt and appreciated. AACS is a membership organization open to all TWC employees and we encourage you to join. If you have questions or would like more information about the TWC AACS, please email aacs@twc.texas.gov.



What Juneteenth Means to Me

Marci Y. Anavitarte-Jordan

Since the declaration recognizing Juneteenth as a new federal holiday was released last year, the knowledge of its history and significance has become more widespread. Prior to the signing, there was not a lot of publicity nationwide on the event; not even here in Texas where the day's events transpired.

Juneteenth has been celebrated by the African American community since 1865, but for those who are just joining the celebration, this is what occurred on that day.

On June 19, 1865, Gordon Granger, a Union soldier, arrived in Galveston, Texas to inform its over 250,000 African American residents that they had been freed from slavery. Although freedom was given as part of the Emancipation Proclamation in 1863, news of this freedom traveled slowly throughout the country; remember, this was before instantaneous communication.

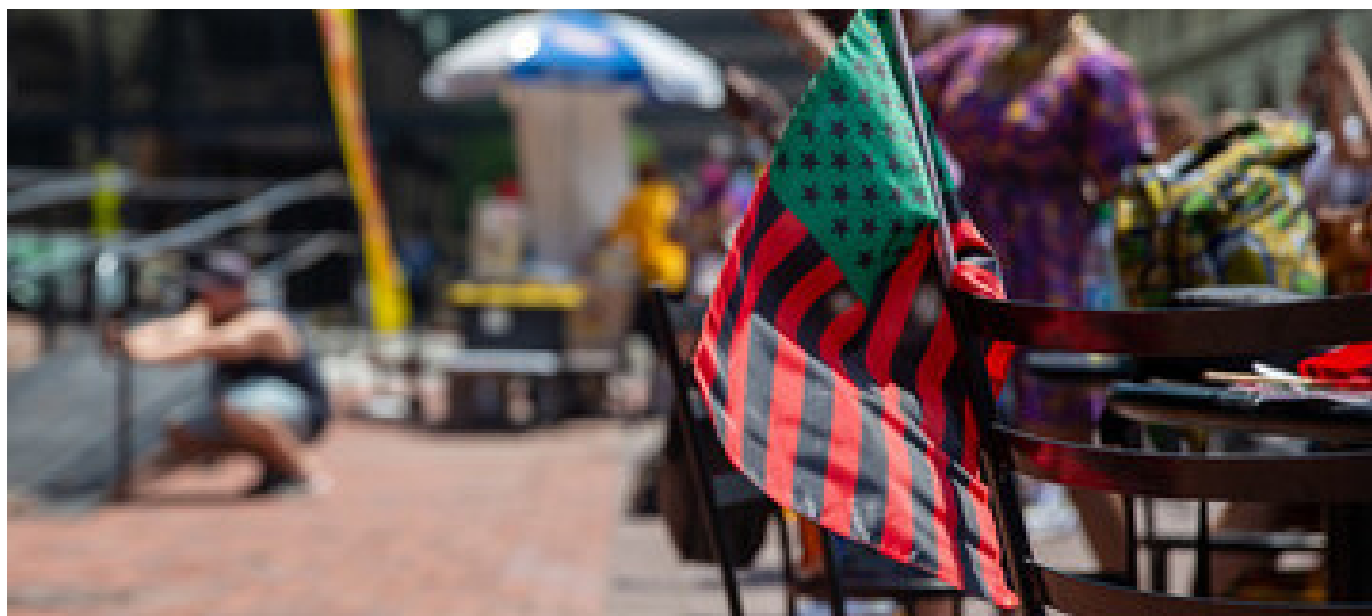
As people migrated throughout the United States, Juneteenth celebrations gained more attention. The events and feelings of that day were passed from generation to generation; memorialized in writing, oral stories, and the journals of the people that lived within the community before and after the Civil War. Unfortunately, the event did not make it to many history books or school curriculums, but that knowledge lived and thrived through many cultural traditions and celebrations.

As a young girl, I remember the numerous celebrations I attended in Belton and Central Texas. It was a huge deal in our community with local celebrities and public officials in attendance. There was always music, great food, and people dressed up in 1800's attire to tell the story of the struggles and triumphs of our ancestors and our community at large. During these events, there was never any violence other than someone being beat in cards, dominoes, or a dance contest. It was just an opportunity for the community to come together and celebrate where we had come from and how much more work needed to be done.

The importance of those freedoms that were relayed to the Galveston community so long ago continue to make impacts today. It is hard to imagine that, less than 160 years ago, a group of people were considered 3/5ths of a human and someone's property. They could not learn to read or write without the penalty of severe beatings, being sold, or death. Now they hold political offices, save lives in numerous specialty fields, and continue to educate future generations.

As we celebrate our newest federal holiday, it is important that we remember not only the African American community, but all the minorities and underserved communities who call our beloved state home and celebrate our diversity which makes our state and nation better.

#Happy Juneteenth
#HappyEmancipation Day
#Happy Freedom Day
#Be Happy



DIRECTOR'S CORNER

On the Road Again

BRYAN SNODDY - DIVISION DIRECTOR

In the month of August and the year of nineteen hundred and eighty, one of Texas' all-time, exceptional story tellers released a track for his "Honeysuckle Rose" album. For the country music fans, you will recall the words of Willie Hugh Nelson, who currently hails from the Austin region.

With robust enthusiasm, he counted down one, two, three, four and rambled off into the now iconic refrain of "just can't wait to get on the road again." Willie liked making music with his friends and believe it or not, he wrote this song on a barf bag. And what does that have to do with civil rights?

It has been almost two years and some change since the staff of the Civil Rights Division, or much of the Texas Workforce Commission for that matter, have engaged in any major travel. Since then, we've maintained a successful level of outcomes for our customers and stakeholders. We have evaluated, resolved, and litigated equal employment and fair housing matters. We continued to successfully and timely review state agencies and institutions of higher education. Our numbers in terms of individuals trained have continued to rise.

In short, we have gotten the work done that we are required to do and then some. However, just because we have gone virtual does not mean that we are going invisible. In this era of continued stressors from the pandemic, the war in Ukraine, supply chain struggles from China, astronomical gas prices and last, but certainly not least, school, church and mall shootings, we cannot afford to be invisible.



Over the coming year, we are in the process of identifying all our strategic and tactical partners and stakeholders throughout the State of Texas. For some, we have simply lost touch, and for others, we need to initiate a new relationship. It is our intention to connect in some way with every single stakeholder and partner from El Paso to Marshall and Amarillo to Corpus Christi. There is no doubt that the Civil Rights Division alone can continue to produce large volumes of outputs and outcomes consistent with our mission and vision. Indeed, we can and will achieve much. But it would not be enough given the present need.

As reportedly spoken by John Heywood, "Many hands make light work." The vision of reducing and preventing discrimination throughout Texas is no easy task. One might even believe that it was improbable, if not impossible. I do not believe that it is for us to see that achievement in this lifetime, but it is no less worthy a pursuit. Thus, we must race the race before us with diligence and while making a few friends to help us spread the music. Willie could not wait to get back on the road again, and the Civil Rights Division cannot wait to do so either.

Impact and Intent

“I was only joking”,
“Why are you taking it so serious?”
“It was a compliment”

Believe it or not, in my previous life of Army service I would meet Soldiers whose first interaction with people of different races and ethnicities didn't happen until they were in Basic Training. This means that they had not interacted with someone that was “different” from them during the first 18 to 20 years of their life. It's hard to imagine, in this world that is so interconnected by digital and virtual communication, that there are still people who have not interacted with the diversity that the world offers. Now think about that 18-ish year old, whose only knowledge of other “communities” was from shows and videos. They probably have stereotypical views of others because that is what is often portrayed in the media. The first time that person meets someone that is Black, Hispanic, gay, Buddhist, or even a female working in a predominantly male line of work, they're going to have questions and those questions could be discriminatory or offensive. Is it normal to feel offended when the new kid in the workforce asks a Black co-worker if they can use certain phrases? What about when they start questioning how a gay or lesbian relationship works?

Of course, it's normal to feel awkward and insulted, or even angered, by these questions. We live in a world where you do not (and should not) have to justify who you love, whitewash your culture, or explain why you can do something just as well as anyone else. Typically, in a complaint of discrimination or harassment based on statements, the primary focus is on the impact which those statements have: the feeling of being belittled, put down, or not given the same opportunities as others. In normal cases the intent behind the words does not matter. Our enforcement agency will never stop an investigation because the respondent said that they were only making a joke and didn't mean anything by it. The intent, whether purposefully or unintentionally harmful, does not matter in a complaint of discrimination or harassment. This does not mean that we will not ask a person if they made those statements and why, but practicing a stand-up routine is not a valid excuse for making discriminatory statements.

But what does all of that have to do with those misunderstandings I mentioned at the beginning? Didn't I just explain that people who have never met someone different from back home are not given a free pass for the questions they ask or the things they say

because the intent is not important? You are correct.

My challenge to y'all: have a discussion and try to talk it out first. If you feel hurt, discriminated against, or harassed, please do not let those feelings go unacknowledged/unaddressed/unspoken. It is sometimes easier to not say anything in response but remember that you might be interacting with a person who just doesn't understand that what they are saying, asking, or even giving an opinion on, is discriminatory. You could open that person's eyes to a new way of seeing things that their upbringing did not allow for. Texas is a huge state and I know people who have never left their little corner, much less left the state entirely. Someone from deep east Texas is likely to view things differently than someone who was raised in Austin, along the Valley, or in the sprawling Houston metroplex.

Though intent may not be the focus of formal complaint investigations, it's important that we address it in our daily lives if we want to make a positive change within our workplaces. If the intent was meant to be discriminatory and when confronted the person says it was

only a joke, they can then be made aware that those comments are not welcomed or tolerated in the workplace. You will probably not change that person's values and beliefs, but you can make them aware that there can be consequences to those actions and their words. In those situations where things are unintentionally discriminatory, the dialogue afterwards can hopefully inform and influence a person to see things from a new and different perspective. Either way, confronting the behavior and letting the other person know the impact of their actions, statements, or jokes effects change at the lowest level. Addressing discriminatory words and behaviors at the outset creates and sustains a positive culture in a workplace without the delayed intervention of a formal complaint.

If you are an employer and looking to have these discussions with your workforce, we are here to help. Reach out to our Training Team at CRDTraining@twc.texas.gov for this and other Equal Employment Opportunity presentations we provide to employers.



151 COFFEE TO PAY \$70,000 TO SETTLE EEOC DISABILITY DISCRIMINATION LAWSUIT

Coffee Company Fired Two Employees with Disabilities Who Requested Reasonable Accommodation, Federal Agency Charged

DALLAS – North Richland Hills, Texas-based 151 Coffee will pay \$70,000 and furnish other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

According to the EEOC’s lawsuit, 151 Coffee closed all its locations in April 2020 as a result of the COVID-19 pandemic. The company sent an email to all employees at the end of April announcing reopening of stores in May and asking employees to confirm whether they would like to return. Two employees with disabilities responded that they were ready to return to work but requested reasonable accommodations because their disabilities placed them at higher risk of serious illness from COVID-19. 151 Coffee denied both employees’ requests for reasonable accommodation, and instead told the two employees they could not return to work until a vaccine for COVID-19 had been developed.

This alleged conduct violates the Americans with Disabilities Act (ADA), which protects employees from discrimination based on their disabilities. The EEOC filed suit, Civil Action No. 4:21-CV-01081, in the U.S. District Court for the Northern District of Texas, Ft. Worth Division, after first attempting to reach a pre-litigation settlement through its conciliation process.

“Addressing the workplace civil rights implications of the COVID-19 pandemic is a key priority of the agency,” said EEOC Chair Charlotte A. Burrows. “This resolution demonstrates the agency’s commitment to ensure that employers understand their legal obligations and workers understand their rights in the pandemic context.”

In addition to providing monetary relief, the two-year consent decree settling the suit prohibits future discrimination and requires 151 Coffee to disseminate a workplace policy on disability discrimination that details the rights of applicants and employees under the ADA. It also describes the procedure employees should follow if they require reasonable accommodation of a disability, and the steps managers must take if they receive a request for reasonable accommodation. During the term of the consent decree,

151 Coffee will also provide annual training to its owners, human resources employees, district managers, and other employees in its corporate office. The training will cover the requirements and prohibitions of the ADA, as well as 151 Coffee’s procedure for requesting reasonable accommodation of a disability and reporting discrimination complaints.

“The need for an interactive process when an employee requests reasonable accommodation of a disability applies regardless of the circumstances,” said Meaghan Kuelbs, trial attorney in the EEOC’s Dallas District Office. “An employer must consider the specific nature of an employee’s disability and gather information from the employee and, if necessary, his or her physician, to determine whether a reasonable accommodation will allow that employee to safely perform the essential functions of their position.”

“The EEOC is pleased with this outcome that represents a commitment by the employer to emphasizing the protections of the ADA, engaging in education of its workforce and providing a written policy to establish expectations, all of which move this workplace in the right direction,” said Robert Canino, regional attorney for the Dallas District Office.



June 6, 1872 - Susan B. Anthony received a fine because she voted in the presidential election in New York. She was a prominent figure in the women's suffrage movement, intending for women to have the same citizen rights as men. She was arrested, tried, and fined \$100 that she refused to pay.

June 12, 1963 - Medgar Evers, a civil rights leader, was assassinated in Jackson, Mississippi. Evers had been working for voter registration among African Americans and integrated schools in the south. His death led to President Kennedy proposing what became the Civil Rights Act.

June 18, 1983 - Dr. Sally Ride, became the first American women in space. Ride, a physicist and pilot herself, was a member of the Challenger crew during its six day orbit of earth. She will be the first known LGBTQ perosn to appear on US currency with the upcoming American Women quarter series.

June 19, 1865 - Major General Gordon Granger announced the freedom of all slaves in Galveston, Texas. For more about Juneteenth, see the articles in this newsletter.

July 2, 1917 - St Louis, Missouri was the setting for a race riot that led to the deaths of an estimated 75 African Americans with hundreds more injured. This led to W.E.B. Du Bois, a promient activist, to led a silent march down Fifth Avenue in New York.

July 2, 1964 - The Civil Rights Act of 1964 was signed by President Lyndon B Johnson.

July 4, 1776 - The Declaration of Independence was signed. Happy 4th of July America

July 19, 1848 - A Women's Rights Convention took place in Seneca Falls, New York to promote womens equality.

August 6, 1965 - The Voting Rights Act of 1965 was signed into law by President Lyndon B Johnson. The Act was instrumental in allowing African Americans to vote by suspending the literacy, knowledge, and character test.

August 18, 1920 - Women gained the right to vote with the ratification of the 19th Amendment.

August 28, 1963 - Dr. Martin Luther King, Jr. gave his I Have a Dream speech during the March on Washington civil rights rally.



CIVIL RIGHTS REPORTER

EVENTS

Texas Conference for Employers

Want to get employer legal advice for a fraction of the price of a consultation?

The Texas Conference for Employers gives business owners the opportunity to garner nuts and bolts information about state and federal employment law matters, including tips on navigating the unemployment claims and appeal process. The Texas Workforce Commission's Office of the Commissioner Representing Employers sponsors the TCE, a series of employer seminars held each year throughout the state.

The TCE is offered both in-person and virtually. For more information on the TCE, please visit <https://twc.texas.gov/texas-conference-employers>.

RESOLUTIONS Q&A

Ever wondered what Mediation or Conciliation is, or what it would take to resolve an issue or complaint without having to go through court? Come join us for the Texas Workforce Commission-Civil Rights Division (TWCCRD) Live Mediation/Conciliation Q&A. Brought to you by the Resolutions Team of the Outreach, Compliance and Resolutions (OCR) Unit.

So come on, take control of your case. Let us help you prepare for your scheduled Mediation/Conciliation session!

Register Here:

<https://forms.office.com/g/XvBdHiP3Uz>

For additional questions about this Live Q&A, please e-mail eeomediation@twc.texas.gov

FAIR HOUSING TRAINING

Join us on every first and third Tuesday from 10:00 - 11:00 (CST) where we discuss Fair Housing and Housing Accommodations. This is a great webinar for those interested in their rights or those that manage or own properties.

Did we mention it is free! Register Here:

<https://forms.office.com/g/ZBm7gtJLjg>

EQUAL EMPLOYMENT TRAINING

Are you a private employer looking to train your company on the basics of Equal Employment Opportunity or for a better understanding of how to prevent sexual harassment in the workplace. The Civil Rights Division's Training team can help. We offer numerous EEO training presentations or can tailor training to your needs. Reach out to our training team at CRDTraining@twc.texas.gov to discuss are low-cost options for your company.

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