



GOVERNOR GREG ABBOTT

February 4, 2023

Mr. Porter Wilson  
Executive Director  
Employees Retirement System of Texas  
P.O. Box 13207  
Austin, Texas 78711-3207

Dear Mr. Wilson,

Federal and state law forbid discrimination against a current or prospective employee because of that person's race, color, religion, sex, national origin, age, disability, or military service. This legal protection covers the hundreds of thousands of individuals who are employed by the State of Texas, including everyone who works at your agency.

As Texans, we celebrate the diversity of our State and the presence of a workforce that represents our rich culture. In recent years, however, the innocuous-sounding notion of Diversity, Equity, and Inclusion (DEI) has been manipulated to push policies that expressly favor some demographic groups to the detriment of others. Indeed, rather than increasing diversity in the workplace, these DEI initiatives are having the opposite effect and are being advanced in ways that proactively encourage discrimination in the workplace. Illegally adding DEI requirements as a screening tool in hiring practices or using DEI as a condition of employment leads to the exclusion and alienation of individuals from the workplace.

As the head of your agency, you have a duty to follow the law. When a state agency adjusts its employment practices based on factors other than merit, it is not following the law. Rebranding this employment discrimination as "DEI" does not make the practice any less illegal. Further, when a state agency spends taxpayer dollars to fund offices, departments, or employee positions dedicated to promoting forbidden DEI initiatives, such actions are also inconsistent with the law.

Thank you for your attention to this important issue. If you have any questions, please contact the policy advisor assigned to your agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Gardner Pate", written over a horizontal line.

Gardner Pate  
Chief of Staff

GP:gsd