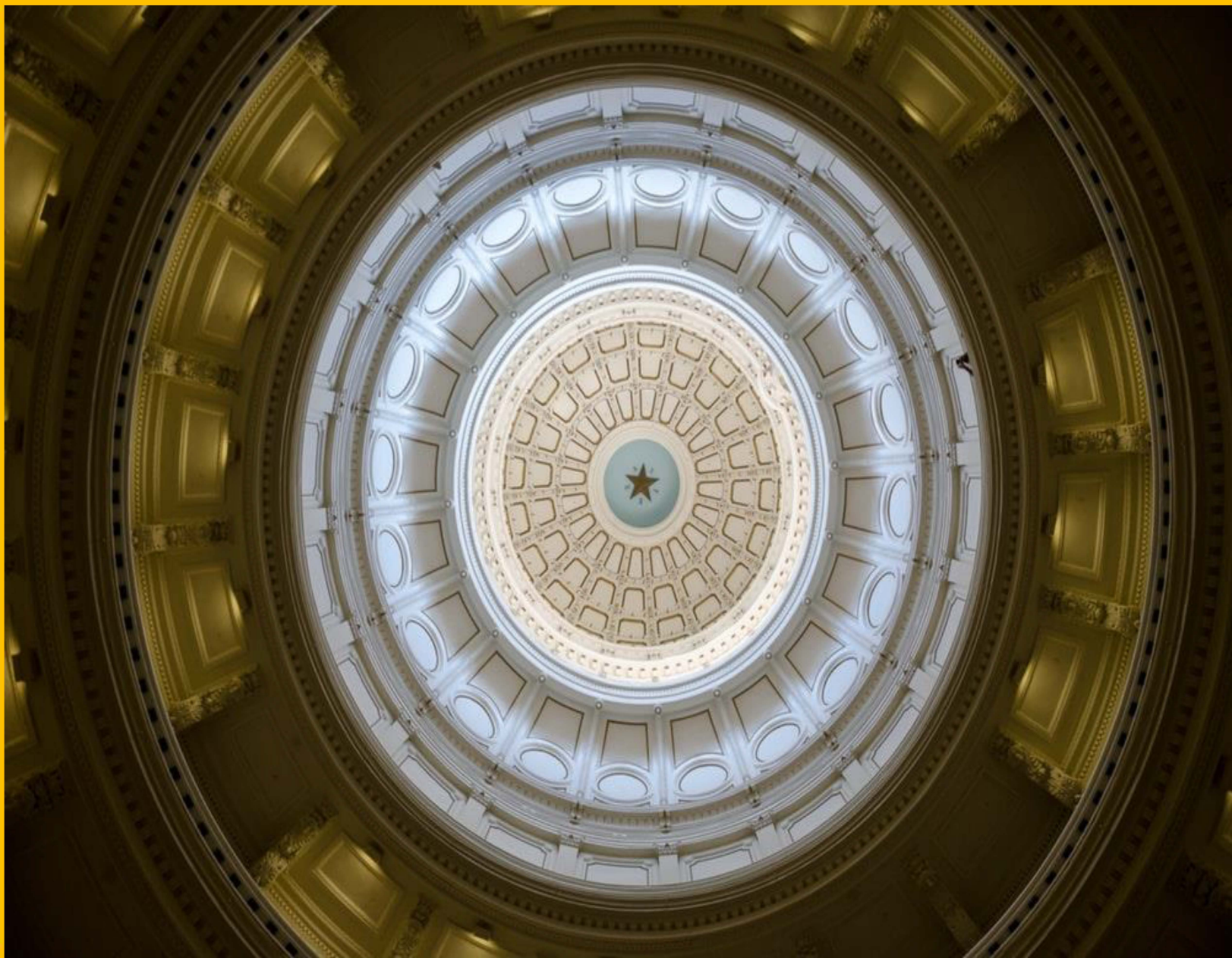


# **TEXAS ETHICS COMMISSION**

## **WORKFORCE PLAN**

### **FISCAL YEARS 2020**



**JUNE 2020**

## **SCHEDULE F: WORKFORCE PLAN**

### **I. AGENCY OVERVIEW**

The Commission was created effective January 1, 1992, by a voter-approved constitutional amendment. This amendment added Section 24a to Article III, Legislative Department, of the Texas Constitution establishing an eight-member commission with four members appointed by the Governor, and two each by the Lieutenant Governor and the Speaker of the Texas House of Representatives. Appointees are selected from lists submitted by the Texas Senate and the Texas House of Representatives.

#### **Working Functions**

The Commission has 35.4 authorized FTEs in FY2020 and 34.4 authorized FTEs in FY2021, headed by an Executive Director who oversees five major divisions to accomplish the working functions and duties of the agency. The Commission has both constitutional and statutory duties. Constitutionally, the Commission is authorized to recommend the salary of members of the Legislature and the Lieutenant Governor, subject to approval by the voters; and sets the per diem for members of the Legislature and the Lieutenant Governor. Statutorily, the Commission is responsible for administering and enforcing the laws concerning campaign finance and political advertising, lobby activity, personal financial disclosure by state officers, the standards of conduct and conflicts of interest of state officers and employees, and several other laws regulating the reporting requirements of other state and local officials and entities.

**Disclosure Filing.** The Disclosure Filing Division (authorized 6 FTEs) handles the processing and maintenance of all reports received by the Commission. In addition, this division provides the public with information about and copies of disclosure reports filed with the agency, distributes blank disclosure reporting forms upon request, and collects charges for copies as authorized by law. The Commission serves to receive and make available for public review and inspection required disclosure reports for state officials, candidates, political committees, lobbyists, political parties, party chairs, legislative caucuses, district judicial officers, and certain county judicial officers. Since July 2000, campaign finance reports filed with the Commission are required by law to be filed electronically unless the filer qualifies for and claims the exemption from the electronic filing requirement. Since December 2004, lobbyists are required to file lobby reports electronically unless the filer qualifies for and claims an exemption. Since September 2016, holders of and candidates for certain state offices are required to file personal financial statements electronically. Since January 2016, Certificate of Interested Party Forms (Form 1295) are required to be filed electronically. Campaign finance, lobby reports, personal financial statements, and Form 1295 make up the majority of the reports filed electronically with the Commission. Other reports filed with the Commission are filed on paper.

**Legal.** The Legal Division (authorized 15.4 FTEs) handles all regulatory functions in addition to providing legal counsel to the agency on daily operational matters. The legal staff splits its time between two strategies: Legal Guidance and Opinions (authorized 7 FTEs) and Enforcement (authorized 8.4 FTEs). The legal staff also assists callers and visitors to the agency who have questions about laws under the Commission's jurisdiction.

The Commission has the authority to enforce all laws under its jurisdiction except Chapters 36 and 39 of the Penal Code. Thus, the Commission's enforcement jurisdiction extends to all individuals and entities filing reports with the Commission, as well as to those who file



campaign finance reports with local filing authorities such as the county or city clerk or elections administrator. The Commission is authorized to undertake civil enforcement actions on its own motion or in response to a sworn complaint, hold enforcement hearings, issue and enforce orders, impose civil penalties, refer matters for criminal prosecution, and deny, suspend, or rescind a lobby registration for specified reasons. A sworn complaint sets in motion a process that may include a preliminary review, a preliminary review hearing, and a formal hearing, and which permits resolution of the complaint at several points in the process. Unless an open order is issued, the Commissioners and Commission staff are required to keep the complaint confidential.

The Commission also imposes administrative penalties on filers who are late in filing reports with the Commission. This process is an administrative function and does not require a sworn complaint to be filed. The administrative process involves notifying filers that a report is late and that a penalty may be administratively assessed. The Executive Director has authority to waive penalties for reasons specified by rule. The members of the Commission have the authority to waive or reduce administrative penalties. A filer who does not pay an administrative penalty is referred to the Office of the Attorney General for collection of the penalty and to the Comptroller of Public Accounts to initiate the warrant-hold process, and may be referred to the appropriate prosecuting attorney for criminal prosecution.

The Commission has the authority to issue advisory opinions about the laws under its jurisdiction, as well as Chapters 36 and 39 of the Penal Code. The Commission also provides, as resources allow, ethics training to state and local officers and employees on request, and produces educational materials and conducts training programs for other groups affected by laws administered by the Commission. The Commission has also implemented an on-line ethics training program for state officers, members of the legislature, agency employees, and legislative branch employees. This on-line training is undergoing updates and hopes to have the new training system available by FY2021.

**Administration.** The Administration Division (authorized 6 FTEs, including the Executive Director) handles the working functions of the agency. It provides the primary support for the Commission with respect to accounting and budgeting, purchasing, travel, human resources and payroll, secretarial and reception duties, building and equipment maintenance, risk and safety management, and mail services and inventory control.

**Computer Services.** The Computer Services Division (authorized 8 FTEs) maintains the Commission's technology infrastructure, the electronic filing system and database, and the agency website. This division also provides technical support to filers who are required to file reports electronically with the Commission, prepares reports in response to open records requests for data from electronically filed reports, and assists staff with computer applications.

### **Agency Mission**

The mission of the Texas Ethics Commission is to promote public confidence in government.

### **Agency Strategic Goals and Objectives**

**GOAL 1:** To promote public confidence in electoral and governmental processes by enforcing and administering applicable laws. To increase the public's ability to access information about public officials, candidates for public office, and persons attempting to influence public

officials, and to assist people in understanding their responsibilities under the laws administered by the Commission, thereby enhancing the potential for individual participation in government.

**Objective:** To make reports required to be filed with the Commission available to the public within two working days of receipt; to provide responses to advisory opinion requests within 120 days; to respond to sworn complaints within five working days after filing.

**Strategy I:** Disclosure Filing. Serve as the repository for information required to be filed with the Commission and assist persons in accessing that information.

**Strategy II:** Legal Guidance and Opinions. Provide assistance to the public and filers by quickly responding by telephone to their requests for guidance and instruction on laws administered by the Commission and by responding quickly, accurately, and impartially to advisory opinion requests.

**Strategy III:** Enforcement. Enforce compliance with laws administered by the Ethics Commission by responding quickly and impartially to sworn complaints, by performing investigations where advisable, and by assessing penalties for late reports.

**GOAL 2:** Indirect Administration. Provide the Administration and Information Technology functions of the agency. This includes establishing and carrying out policies governing purchasing and contracting that foster meaningful and substantive inclusion of historically underutilized businesses.

**Objective:** To include historically underutilized businesses (HUBs) in at least 20 percent of the total value of contracts and subcontracts awarded annually by the agency in purchasing and contracting.

**Strategy I:** Central Administration. Provide the working functions of the agency.

**Strategy II:** Information Resources. Provide agency wide computer service support and manage IT Projects of the agency.

### **Anticipated Changes to Mission, Goals, and Strategies over the Next Five Years**

The Commission does not anticipate any significant changes to its mission, goals, or strategies over the next five years.

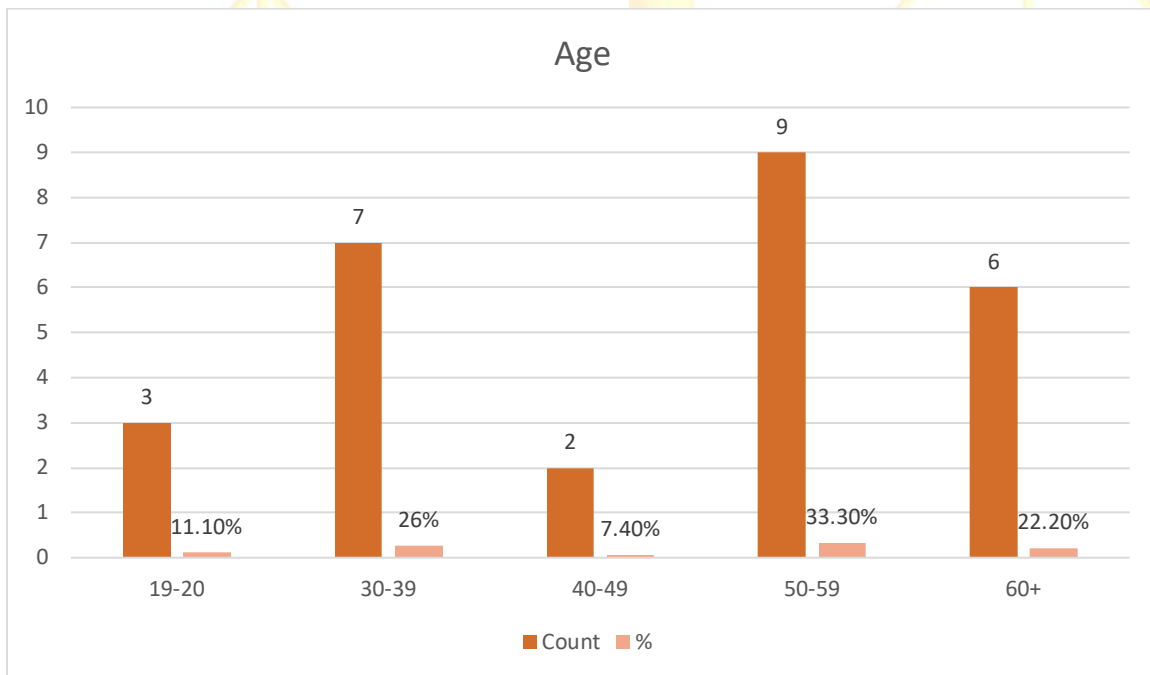
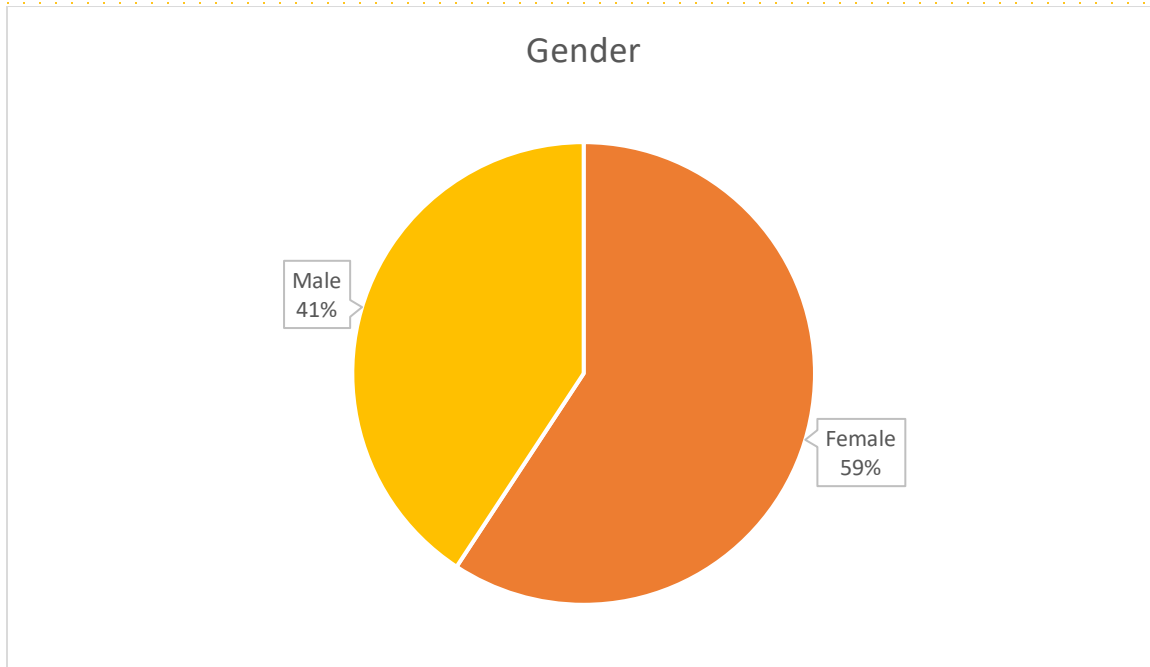
## **II. CURRENT WORKFORCE PROFILE (SUPPLY ANALYSIS)**

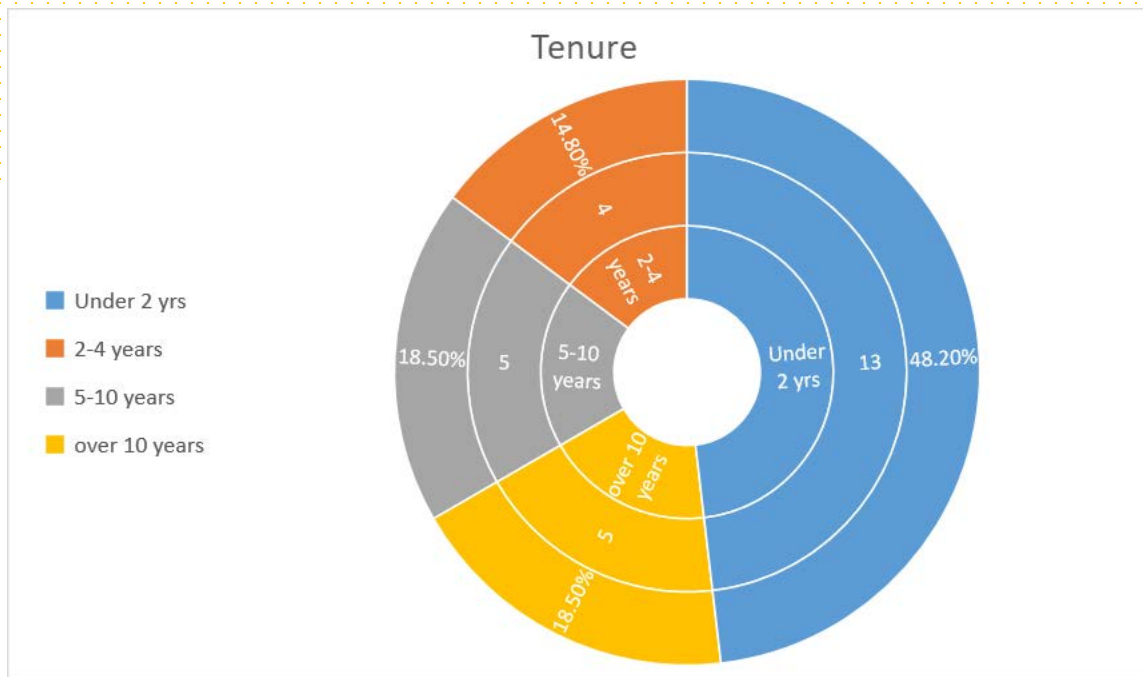
### **Demographics**

The following chart profiles the Commission's total workforce. As of May 1, 2020, the Commission's total headcount is twenty-seven (27) employees. This includes twenty-six full time and one part-time employee. The Commission's workforce is comprised of 59.25% females and 40.74% males. Over 63% of our employees are over the age of 40. Approximately 63% of our employees have less than 5 years of agency service. This

percentage indicates the need for continuing strong training programs to ensure our employees are well-trained to serve the State of Texas.

### Workforce Breakdown





The following table compares the percentage of African American, Hispanic, and Female Commission employees as of May 1, 2020 to the State Agencies Workforce Composition (FY 2018 is most current on Workforce Commission website). The Commission has been working to meet various diversity targets, among which are African American, Hispanic, and Female positions. The agency has exceeded the total state agencies workforce statistics in these categories: Hispanic Officials, Female Officials, Hispanic Professionals, Hispanic Para-Professionals, Female Para-Professionals, and Hispanic Technicians

There are several categories of under-represented classes that the Commission should address: particularly African Americans in all Job Categories; Hispanics in Administrative Support, Female Professional, and Female Technicians. Through its recruitment plan, the Commission continues to strive to maximize the number of qualified minority, disabled, veterans, and female applicants for positions within all job categories.

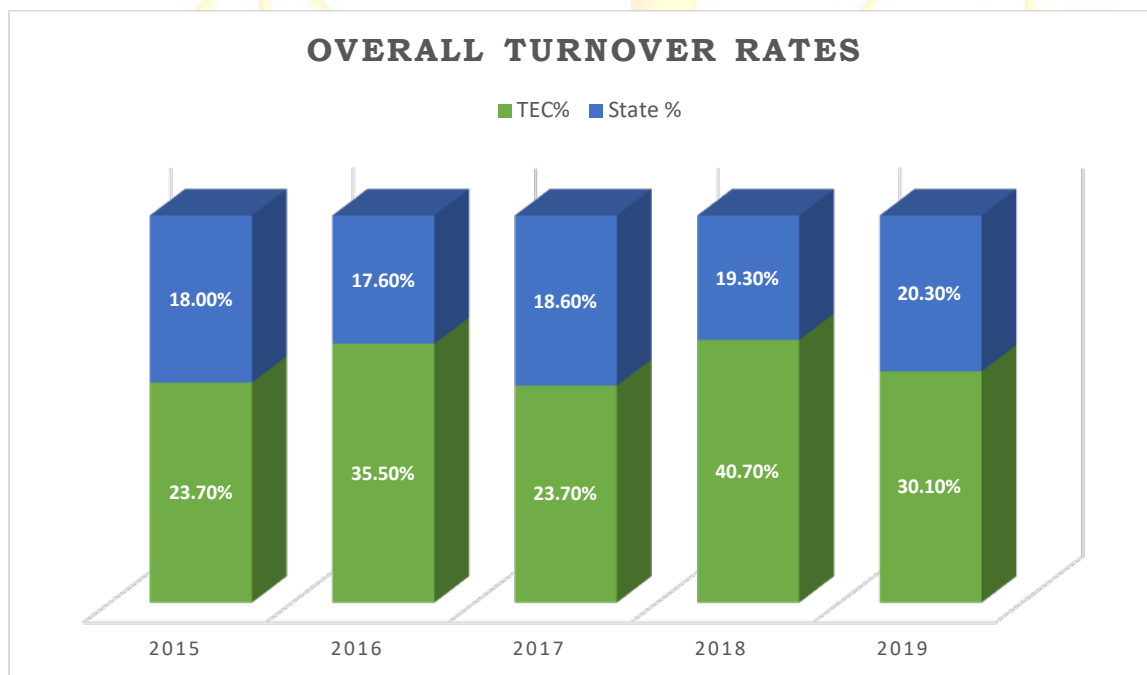
### Employee Ethnicity by EEO Job Category

Job Category	African American		Hispanic American		Females	
	TEC %	State %	TEC%	State %	TEC %	State %
Officials, Administration (A)	0%	11.4%	40%	15.2%	60%	54.2%
Administrative Support (C)	0 %	17.7%	16.7%	33.5%	66%	81.8%

Service and Maintenance (M)	0%	24.7%	0%	35.6%	0%	44.5%
Professional (P)	0 %	11.1 %	42.8%	16.4 %	42.8%	56.3 %
Para-Professional(Q)	16.7%	36.2%	33.3%	29.8%	100%	71.4%
Protective Services (R)	0%	34.4%	0%	24.6%	0%	45.7%
Skilled Craft (S)	0%	8.7%	0%	27.6%	0%	8.1%
Technicians (T)	0%	18.4%	33.3%	25.9 %	0%	60.7 %

### Agency Turnover

Turnover is an important issue in any organization, and the Commission is no exception. Experienced staff is necessary to meet the Commission's primary and secondary goals. The following charts show the Commission's turnover rate compared to the state percentages (employees who transferred to another state agency are not included), as well as a breakdown of the turnover data according to the length of agency service and age of the separating employees. Over the past five years (from September 1, 2014 to August 31, 2019), the Commission's turnover rate has averaged 30.74%, which is above the statewide five year average of 18.76%.



## Turnover by Length of Service

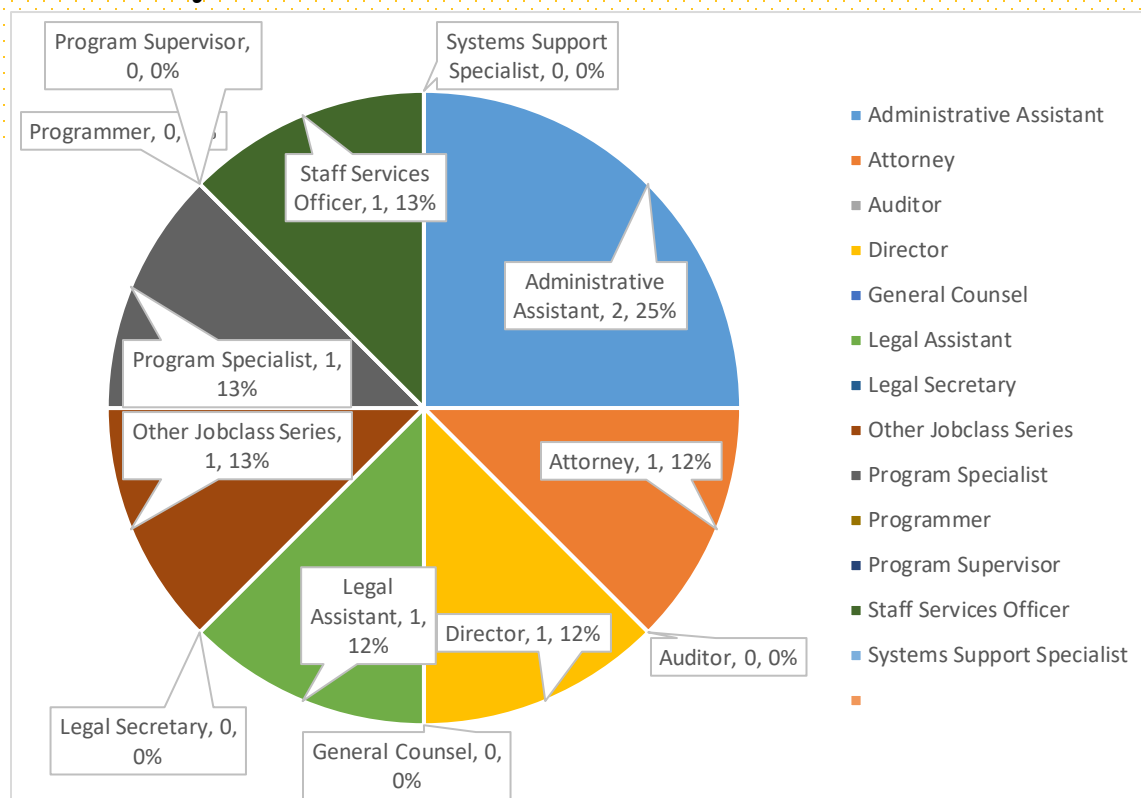
The greatest area of overall turnover for the Commission has been with employees who have less than two years of experience. This group accounted for the highest overall turnover rate within a service period resulting in 47.27% over the past five years. The State Auditor's Office calculates the below numbers based on the number of filled employees within that length of service and the number of departures in that same category. According to the State Auditor's Exit Survey, reasons for departure include: low pay, no room for advancement and retirement.

<b>Agency Service Before Separation</b>	<b>FY 2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>Overall%</b>
Less than 2 years	5	6	5	6	4	47.27%
2-4 years	0	1	1	4	3	43.37%
5-9 years	2	3	0	0	0	17.7%
10-14 years	0	0	0	0	0	0 %
15-19 years	1	0	1	0	0	22.85%
20 -24 years	1	1	1	1	0	21.9%
25-29 years	0	0	0	0	1	30%

*Source: SAO Electronic Classification Analysis System (E-Class) - Includes Interagency transfers*



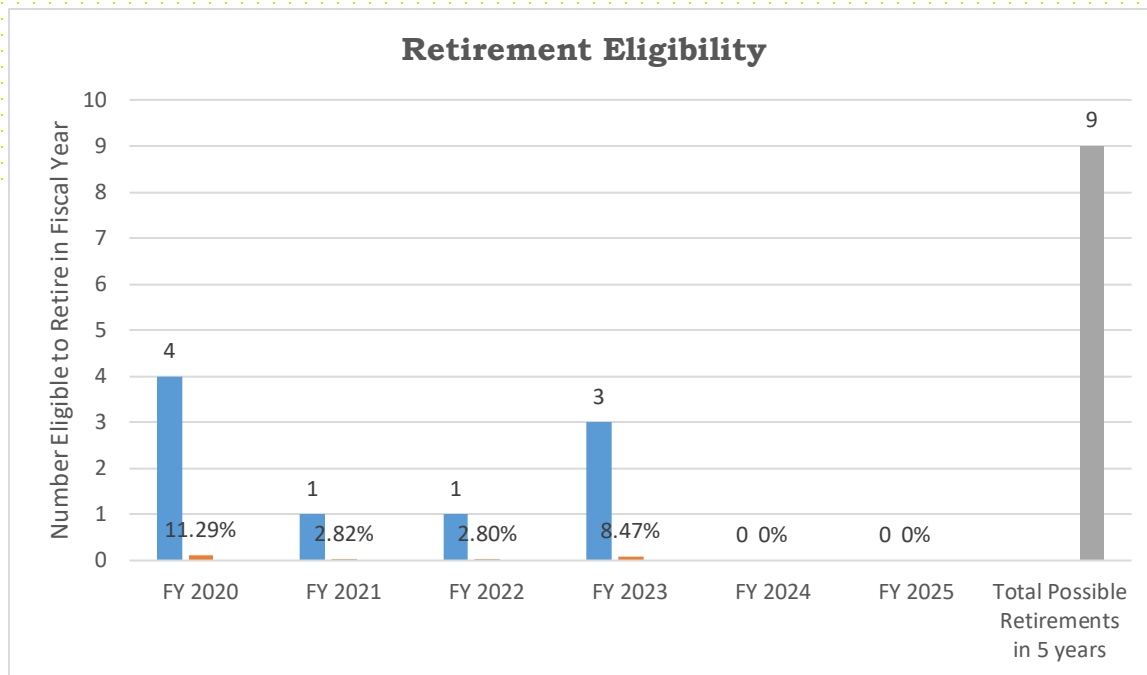
## Turnover by Job Classification Series- FY 2019



Source: SAO Electronic Classification Analysis System (E-Class) - Includes Interagency transfers

## Retirement Eligibility and Employee Attrition Rate Over the Next Five Years

Four of the Commission's current employees are eligible for retirement at the end of Fiscal Year 2020 and an additional five will become eligible within the next five years. Combined, this represents 33.3% of the filled full-time employee workforce, with many of these employees occupying key positions within the agency and possible payments of over \$80,000 in lump sum entitlements. For this reason, it is important for the Commission to ensure that the agency's knowledge and expertise is not lost. Based on past turnover trends, the projected attrition rate will be a loss of six employees per fiscal year, of which at least two will be retirees.



### **Workforce Skills Critical to Agency Mission and Goals**

The Commission is fortunate to have a staff that ranges broadly in training and experience. It is critical in a small agency to have a staff that is diverse in skills because often staff is asked to perform more than one job function. The following are critical skills that are important to the Commission's ability to operate and, without which, the Commission could not provide basic working functions to accomplish its strategic mission and goals:

- Customer service
- Collaborating and communicating with others
- Interpreting legal statutes
- Conducting investigations
- Reviewing, analyzing, and processing data files
- Interpreting computer programs
- Developing and maintaining a database
- Providing ethics training
- Designing and distributing informational materials
- Administering and maintaining a network infrastructure
- Developing and maintaining a website
- Developing and maintaining Java based computer programs

### **III. FUTURE WORKFORCE PROFILE (DEMAND ANALYSIS)**

#### **Critical Functions Required to Achieve the Strategic Plan**

- Receive and maintain information required to be filed with the Commission, both electronically and in hard copy, and assist persons in accessing that information.
- Respond quickly, accurately, and impartially to advisory opinion requests.
- Enforce compliance with laws enforced by the Commission by responding quickly

and impartially to sworn complaints, performing investigations, and assessing penalties for violations.

- Educate the public, state employees, and those subject to the laws administered and enforced by the Commission.
- Implement a plan for increasing the use of historically underutilized businesses through purchasing contracts and subcontracts.

### **Expected Workforce Changes**

The Commission does not anticipate any changes that will significantly affect the core functions of the Commission. However, there are other possible developments that the Commission must be aware of as it prepares its workforce for the future.

The passage of House Bill 1295 during the 84<sup>th</sup> Legislature negatively impacted the Commission by significantly increasing the number of calls received by the legal, administrative, and technical support divisions, which handled the increased volume of calls without additional FTEs. However, now that these Form 1295 filers are more acquainted with the rules and who is required to file a Form 1295 and are familiar with using the filing application, the number of technical calls for help with Form 1295 has decreased to approximately 351 per month, which totals approximately 4,218 yearly. The agency introduced the Form 1295 electronic filing application on December 31, 2015, to enable government entities and state agencies to comply with HB 1295, which went into effect on January 1, 2016. The agency was not appropriated additional funds to expand its server and network capacity for the Form 1295 application, which negatively impacted the agency's ability to design and build its new electronic filing system that went into production in 2015. Currently, there are 3,385 active government users and 27,190 active business users of the agency's HB 1295 electronic filing application; this number grows daily. Approximately 73,000 Form 1295 certificates are acknowledged and filed yearly. Due to the continual increases in the number of Form 1295 filers and filings, the agency increased the storage capacity of its electronic filing system in December 2019 to accommodate these filers and their filings.

As background, in addition to the Form 1295 filings, there are approximately 4,510 persons who file campaign finance reports, 1,866 who file lobby reports, and 3,308 who file personal financial statements with the Commission. There are also over 4,200 local filing authorities that the Commission communicates with but who are not counted as filers. Furthermore, there are candidates, officeholders, and political committees who file reports with the local filing authorities and who contact the Commission for assistance in complying with the campaign finance and personal financial statement disclosure laws.

### **Future Workforce Skills Needed**

Over the next five years, the Commission will be able to fulfill its mission and strategies and continue to function effectively and efficiently as long as it is able to maintain the critical workforce skills listed above. If certain legislative and technological changes occur, the Commission would likely require an increase in computer skills such as web design and programming.

## Anticipated Increase/Decrease in the Number of Employees Needed

The agency currently is authorized 35.4 FTEs, which is up from the 33.4 authorized FTEs in Fiscal Year 2019. This increase in current staffing levels, should it continue, will have a positive impact on the Commission's ability to achieve its mission and statutory obligations, including by decreasing response times for filer questions, decreasing the time to resolve sworn complaints, and enhancing the agency's website and filing application.

## IV. GAP ANALYSIS

The Commission analyzed its workforce proficiency based on the critical workforce skills listed earlier. Each occupational group was rated on its current proficiency level and its desired proficiency level, using a scale from 0 (No Knowledge) to 3 (Professional Knowledge). Then the difference, or "gap," between the current and future skill levels was determined, with results ranging from 0 (No Gap) to 3 (Potential Problem). The results shown in the table below indicate that the Commission anticipates no significant gaps or excesses in skill competency levels over the next five years.

Gap Analysis of Workforce												
Skill	Officials/Admin			Professional			Technical			Ad Sup/Para-prof		
Customer Service	3	3	0	2	3	1	3	3	0	2	3	1
Collaboration	3	3	0	2	3	1	3	3	0	2	3	1
Interpreting Statutes	3	3	0	2	3	1	1	3	2	2	2	0
Conducting Investigations	3	3	0	3	3	0	0	0	0	1	3	2
Processing Data Files	2	3	1	1	3	2	3	3	0	2	2	0
Develop/Maintain Database	1	2	1	0	2	2	2	3	1	1	2	1
Provide Ethics Training	2	3	1	2	3	1	3	3	0	2	2	0



Designing Materials	3	3	0	2	3	1	2	3	1	1	2	1
Interpreting Comp Pgs.	3	3	0	0	0	0	3	3	0	0	0	0
Administer Network Info	2	2	0	0	0	0	2	3	1	0	0	0
Dev & Maintain Website	2	2	0	0	0	0	2	3	1	0	0	0
Dev & Maintain Java Pgs.	0	3	3	0	0	0	1	3	2	0	0	0

### Legend

Have = Avg. competency level for current employees in job category

Need = Avg. competency level needed for future employees in job category

0 = No knowledge

1 = Minimal knowledge, familiarity with skill

2 = Working knowledge, proficiency in skill

3 = Professional knowledge, mastery of skill

Gap = Difference in skill level between current and future competency levels

0 = No gap

1 = Minimal gap

2 = Some gap

## V. STRATEGY DEVELOPMENT

### Specific Goals to Address Workforce Competency Gap/Surplus

The Commission has determined that there are twenty-eight anticipated gaps in workforce numbers or skills for the next five years. These gaps are in the following skill sets: (6) officials/admin; (9) professional; (8) technical and (5) ad sup/para-prof. All these arise in large part due to changes in technology and laws. The Commission will continue to train its staff and adapt as needed to handle current needs and any unexpected changes in its mandates.

Based on the analysis of current workforce demographics, there are several issues that the Commission will continue to focus on in order to keep a competent and knowledgeable workforce that is able to accomplish its strategic mission and goals:

- The Commission will continue to follow the state recruitment plan to maximize the number of qualified minority, disabled, veterans, and female applicants for available positions within all job categories.
- The Commission will implement the CAPPS HR recruiting module in Fiscal Year 2021, to assist in reaching more diverse and skilled job seekers.
- When new employees are hired, the Commission strives to ensure that they are trained quickly and adequately, so that our employees are well prepared to serve the State of Texas.

The Commission will work to bring down its turnover rate lower than the State average by continuing to conduct exit interviews, offer the State On-line Exit Survey to voluntarily separating employees, conduct employee satisfaction surveys, and assess the results to identify retention issues. As the agency foresees losing more employees to retirement over the next few years, the Commission will continue to document working processes and procedures and cross-train employees to ensure that organizational knowledge is retained.

