

# Schedule F: Agency Workforce Plan

## Part I: Overview

### About the Agency

The Texas Attorney General is the State of Texas's chief legal officer. As provided by the Texas Constitution and statutes, some of the main responsibilities of the Office of the Attorney General (OAG) include:

- Serving as legal counsel to all boards and agencies of state government;
- Issuing legal opinions when requested by the Governor, heads of state agencies and other officials and agencies as provided by Texas statutes;
- Sitting as an ex-officio member of State committees and commissions;
- Defending challenges to State laws and suits against both state agencies and individual employees of the State; and
- Filing civil suits on behalf of other state agencies.

In some circumstances, the Attorney General has original jurisdiction to prosecute violations of the law, but in other cases, criminal prosecutions by the Attorney General are initiated only upon the request of a local prosecutor.

The OAG serves and protects the rights of all Texas citizens. These efforts include, but are not limited to enforcement of health, safety, and consumer regulations, educational outreach programs, protection of the rights of the elderly and disabled, collection of court-ordered child support, and the administration of the Compensation to Victims of Crime Fund.

### Core Business Functions

The OAG provides high-quality legal services, including representation, counsel, and assistance to state agencies, and institutions of higher education. The OAG responds to the litigation needs of the State of Texas by defending and enforcing Texas law using appropriate pre-trial, trial, and appellate actions. In addition, the OAG administers the State's Child Support program and provides a wide array of criminal justice-related services.

#### *Legal Counsel*

The OAG provides legal counsel and related services both internally and externally. These services include issuing formal legal opinions to statutorily authorized requestors, issuing open records letters and decisions to appropriate governmental entities, reviewing public bond obligations issued by Texas governmental entities, handling contract disputes for state agencies, representing the public interest in certain charitable-related matters, and defending state laws against constitutional challenges.

#### *Civil Litigation*

The OAG performs a wide variety of civil litigation-related services. These services include, but are not limited to representing State agencies in administrative law matters, prosecuting antitrust violations, recovering debts owed to the State, investigating unlawful acts against the Medicaid program, enforcing the Texas Deceptive Trade Practices Act, representing the State in environmental protection matters, defending State agencies in civil litigation, providing representation to law enforcement agencies, defending the state in certain tax-related matters, representing state agencies in property damage suits, and providing litigation services to the Texas Department of Transportation.

## Schedule F: Agency Workforce Plan

### *Child Support*

As the statutorily designated child support enforcement agency for the State of Texas, the OAG is responsible for the establishment and enforcement of child support. The OAG provides a host of child support services across the state. These services include establishing paternity; obtaining court orders for financial, medical, and dental support for children; enforcing child support orders; and collaborating with state agencies and community organizations to serve Texas families.

### *Criminal Justice*

A key component of the OAG's mission is to secure justice for Texans by investigating and prosecuting criminal activities, including crimes of human trafficking, internet crimes against children, election fraud, and assisting local law enforcement in prosecutions and appeals.

The OAG also operates the Medicaid Fraud Control Unit (MFCU), which investigates criminal fraud by Medicaid providers and abuse and neglect of patients in health care facilities operated by the Medicaid program. MFCU also helps local and federal authorities with Medicaid fraud-related prosecutions.

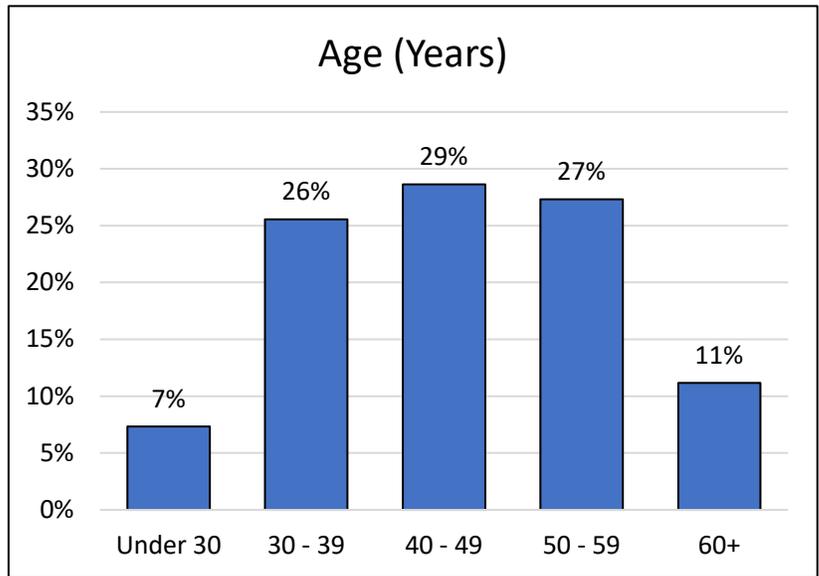
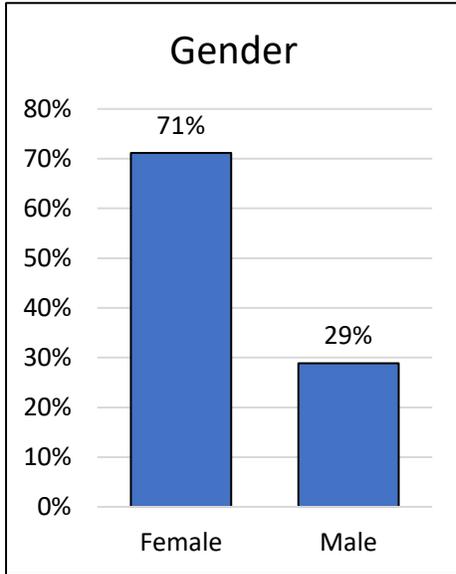
In addition, the OAG serves victims of crime through direct compensation payments, victim assistance, and grants to victim assistance providers.

# Schedule F: Agency Workforce Plan

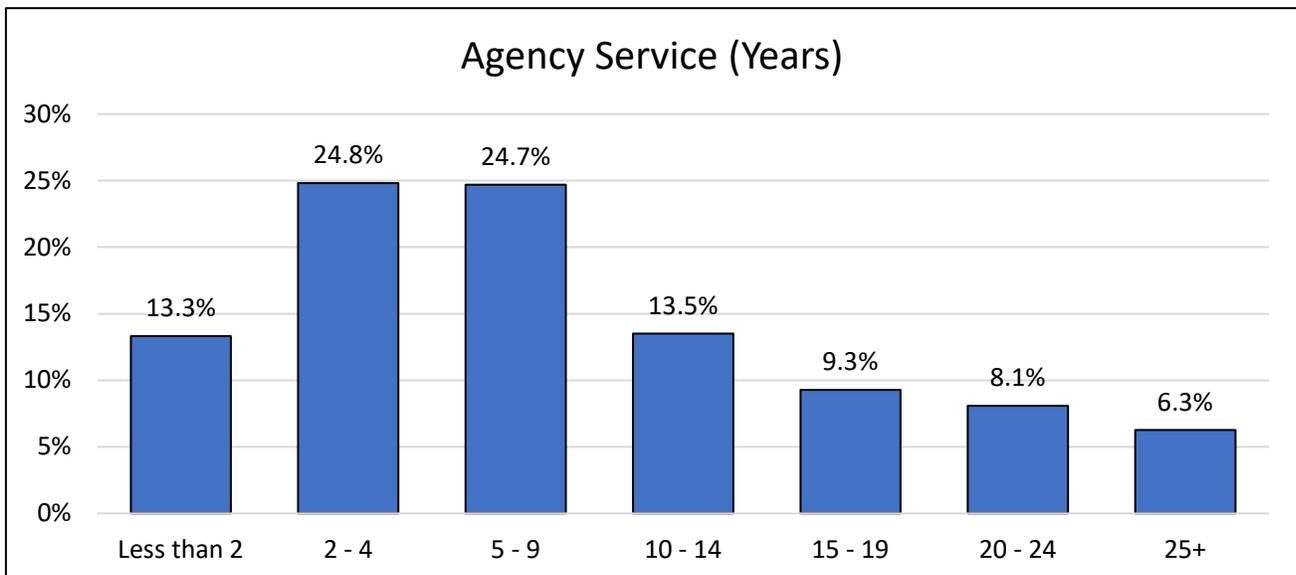
## Part II: Current Workforce Profile

### Workforce Demographics

As of February 28, 2022, the OAG has 3,879 employees. The OAG workforce is 71 percent female and 29 percent male, with an ethnic group composition of 42.5 percent White, 37.7 percent Hispanic, 14.6 percent African American, 2.9 percent Asian, 2.0 percent Two or More Ethnic Groups, 0.2 percent American Indian/Alaskan Native, and 0.2% Native Hawaiian/Other Pacific Islander. The average age is 46.0 years, with 67 percent of the agency’s employees 40 years of age or older. The average length of agency service is 9.75 years – 63 percent of agency employees have less than ten years of agency service, while 37 percent have ten or more. The following charts are profiles of the agency’s full-time and part-time employee workforce.



Source: Centralized Accounting and Payroll/Personnel System (CAPPS)



Source: Centralized Accounting and Payroll/Personnel System (CAPPS)

## Schedule F: Agency Workforce Plan

The following table compares the percentage of African American, Hispanic, and female OAG employees as of February 28, 2022, to the statewide civilian workforce as reported by the Texas Workforce Commission’s Civil Rights Division.

Job Category	African American		Hispanic		Female	
	OAG %	State %	OAG %	State %	OAG %	State %
Officials and Administrators	5.00	8.10	17.86	22.40	46.43	38.80
Administrative Support	12.75	14.30	41.00	36.40	86.00	71.60
Service Maintenance <sup>6</sup>	22.16	13.20	49.97	52.40	87.17	52.00
Professionals	9.25	10.90	27.02	20.30	63.51	54.50
Protective Service	7.33	20.80	29.67	30.90	22.34	23.00
Skilled Craft	0.00	10.20	50.00	51.50	50.00	12.00
Technicians	9.52	14.40	29.37	29.20	39.68	55.20

Source: Texas Workforce Commission’s 2021 Workforce Utilization Analysis Tool

Source: Centralized Accounting and Payroll/Personnel System (CAPPS)

Most of the demographics of the OAG workforce are statistically representative of the Texas labor pool. As calculated with the 2021 Workforce Utilization Analysis Tool provided by the Texas Workforce Commission’s Civil Rights Division, the categories with potential underutilizations are African American Officials and Administrators, African American Protective Service, African American Technicians, and Female Technicians.

Pursuant to the OAG EEO Plan, the OAG will continue to endeavor to recruit more staff for the categories identified above. The Human Resources Director will emphasize the recruitment of individuals for jobs listed within the categories in which the OAG’s workforce has an underutilization. Programs used for this purpose will include the OAG’s Intern Program, which recruits interns at the undergraduate level. The OAG will also endeavor to attend minority recruitment fairs at historically diverse universities as resources allow.

Additionally, the OAG remains compliant with federal and state laws and regulations regarding the recruitment and selection of veterans. As of February 28, 2022, 7.0 percent of OAG employees are veterans.

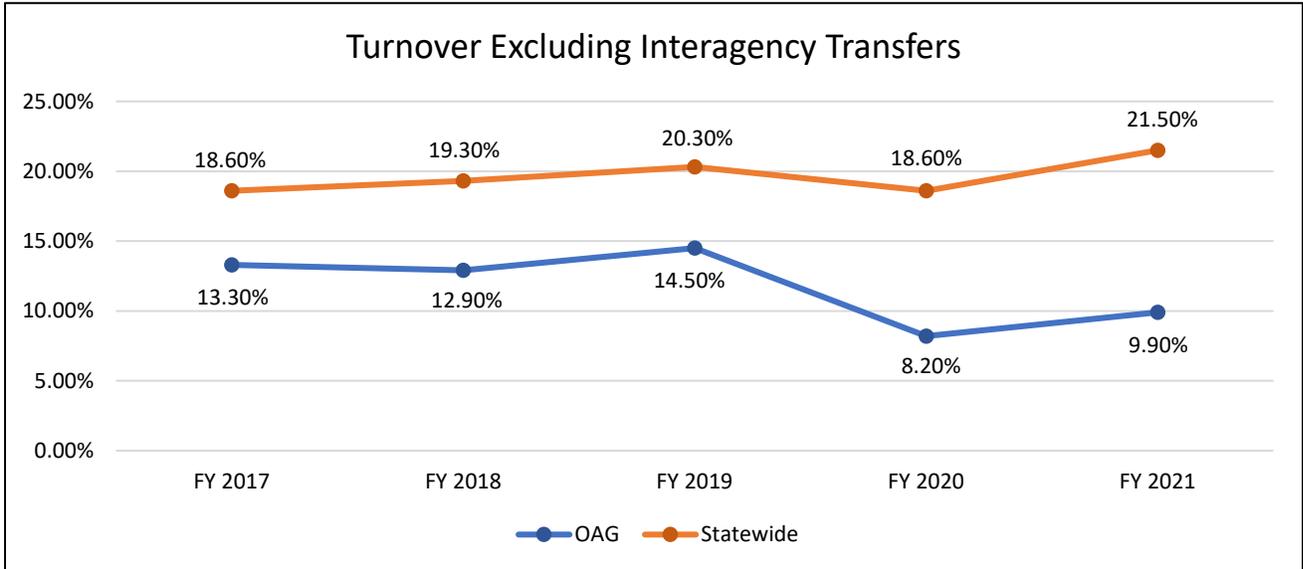
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<sup>6</sup> Per directive from the Texas Workforce Commission’s Civil Rights Division, the “Paraprofessionals” category is combined with the “Service Maintenance” category.

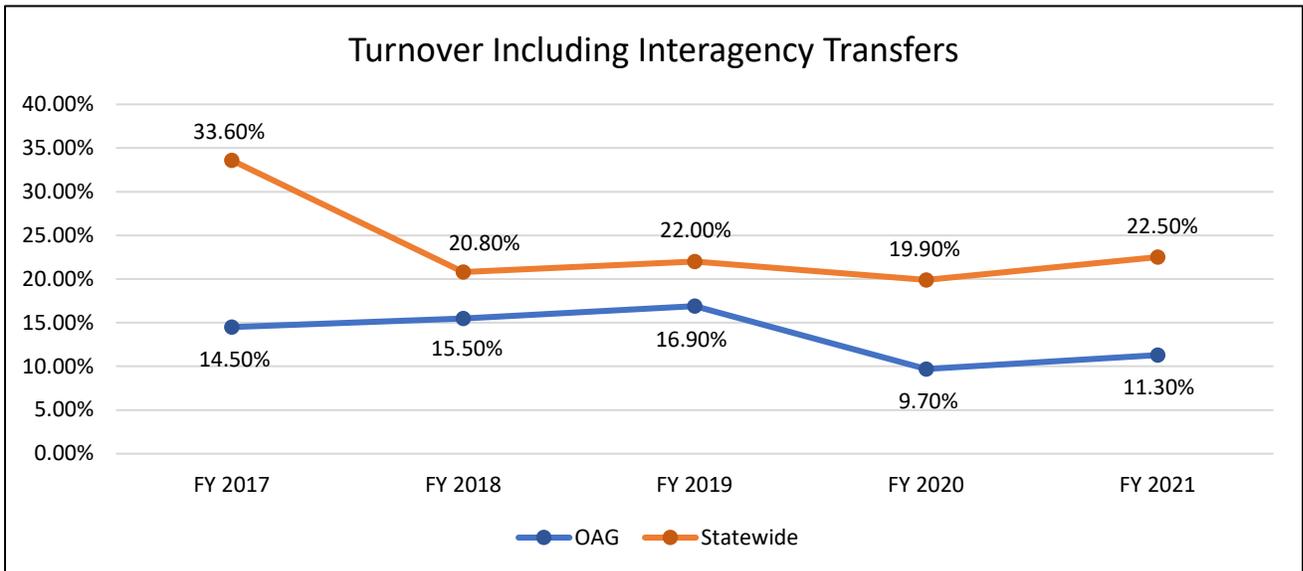
## Schedule F: Agency Workforce Plan

### Employee Turnover

The turnover rate for the OAG is consistently below the turnover rate across all state agencies. A comparison of the OAG turnover rate to the statewide rate for FY 2017 through FY 2021 is below.



Employee Types: Classified Regular Full-Time, Classified Regular Part-Time  
 Source: State Auditor's Office Turnover Data for Agency 302 - Office of the Attorney General, All Agencies



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 Source: State Auditor's Office Turnover Data for Agency 302 - Office of the Attorney General, All Agencies

## Schedule F: Agency Workforce Plan

### Potential Retirement Eligibility Impact

An analysis of OAG staff tenure and age indicates that 460 staff members – or approximately 11.9 percent of the agency’s workforce – currently are, or will become, eligible to retire during FY 2022 under the state’s “Rule of Eighty” criteria.<sup>7</sup> As Table A indicates, approximately 26.9 percent (1,044 employees) of the OAG’s staff are anticipated to be eligible for retirement under the “Rule of Eighty” between FY 2022 and FY 2027.

**TABLE A: Number of OAG Employees  
Projected to Be Eligible to Retire by Fiscal Year Using “Rule of Eighty”**

	FY22	FY23	FY24	FY25	FY26	FY27	Total Eligible	Total Staff	% Eligible in FY22	% Eligible Between FY22 & FY27
Employees	460	94	122	116	123	129	1,044	3,879	11.9%	26.9%

Source: Centralized Accounting and Payroll/Personnel System (CAPPS)

Table B shows the estimated number of agency staff by selected classified position series who may likely reach retirement eligibility during FY 2022 through FY 2027. Approximately 47.8 percent of the agency’s employees in the Director classification series and 45.8 percent of employees in its Manager classification series are projected to reach retirement eligibility during this time. In addition, 54.3 percent of the agency’s employees in the Legal Secretary classification series are projected to reach retirement eligibility during this same time.

**TABLE B: Number of OAG Employees by Selected Classification Series  
Projected to be Eligible to Retire by Fiscal Year Using “Rule of Eighty”**

Classification Series	FY22	FY23	FY24	FY25	FY26	FY27	Total Eligible	Total Staff by Series	% Eligible in FY22	% Eligible Between FY22 & FY27
Administrative Assistant	34	5	7	6	8	9	69	181	18.8%	38.1%
Assistant Attorney General	65	12	16	9	16	13	131	703	9.2%	18.6%
Child Support Officer	111	32	33	35	40	35	286	1,229	9.0%	23.3%
Child Support Technician	24	2	11	3	8	12	60	302	7.9%	19.9%
Director	22	4	4	4	1	9	44	92	23.9%	47.8%
Investigator	14	1	4	4	3	3	29	69	20.3%	42.0%
Legal Assistant	17	2	5	4	5	3	36	124	13.7%	29.0%
Legal Secretary	9	3	3	2	0	2	19	35	25.7%	54.3%
Manager	31	5	10	8	2	4	60	131	23.7%	45.8%

Source: Centralized Accounting and Payroll/Personnel System (CAPPS)

The OAG, on a limited basis, utilizes rehired ERS retirees to fulfill mission-critical job functions. As of February 28, 2022, there are 87 rehired ERS retirees at OAG, comprising 2.2% of the total employee population.

<sup>7</sup> Based on the number of OAG employees as of February 28, 2022. These estimates are conservative as employees may retire for reasons other than the “Rule of Eighty”.

## Schedule F: Agency Workforce Plan

### Part III: Future Workforce Profile

#### Overview

With 26.9 percent of the OAG's workforce eligible to retire by FY 2027, the OAG's future workforce could experience potentially significant changes to its composition.

#### Skills and Competencies

The OAG continues to work to foster the sharing of institutional knowledge within its divisions and across the agency. In order for the OAG to remain efficient and effective, the OAG strives to develop key competencies within its workforce, including the following:

- Legal expertise
- Effective written and oral communication
- Adaptability and receptivity to changing systems and processes
- Utilizing and leveraging technology
- Constructive coaching and feedback between managers and staff
- Proactive attitude towards problem solving and identifying efficiency opportunities

#### Influences from New Technologies

##### *Centralized Accounting and Payroll/Personnel System (CAPPS)*

With the planned implementation of the statewide CAPPS Financials module September 1, 2022, there are potential opportunities for efficiency gains across various administrative functions. Following this implementation, the OAG will have completed its migration to the two major CAPPS modules: CAPPS HR/Payroll and CAPPS Financials. It is essential for current and future OAG administrative staff to be proficient operating these systems and the CAPPS Recruit application also adopted by the OAG.

##### *Teleworking Technologies*

The OAG provides flexible workplace options as appropriate for the agency's needs. Effectively leveraging these teleworking opportunities requires current and prospective employees to be competent and familiar with the capabilities and limitations of agency information technologies. As a result, skills utilizing these technologies could become important factors for professional success.

##### *Economic Factors*

Prolonged inflation, significant increases to cost of living, and/or general levels of lower unemployment could create recruiting and retention challenges. In particular, rapid increases to the general wage levels of attorneys and information technology professionals could create acute challenges for in-demand positions.

### Part IV: Gap Analysis

#### Overview

As stated previously, the percentage of retirement eligible employees in the coming years may impact staffing levels at the OAG, and it could create a loss of institutional knowledge and experience. OAG efforts to mitigate this risk include professional development, cross-training within program areas, knowledge and processes management, and the implementation of effective hiring processes targeting the identification and selection of the best-qualified candidates for job openings.

## Schedule F: Agency Workforce Plan

### Anticipated Shortage in Staff Levels

The OAG is watchful for trends that could signal upcoming acute issues regarding staff shortfalls in its core function of providing high-quality legal services. Increases to attorney wage levels, increases to overall cost of living, and/or sustained inflation could result in challenges to recruiting and retaining legal talent.

### Potential Skills Gaps

Certain key skills help drive success at the OAG. These include an ability to think critically, communicate effectively, leverage technology and data, and be proactively committed to improving efficiency and organizational effectiveness. The OAG anticipates that its needs for these key skills will increase over the coming five-year period.

## Part V: Strategic Development

### Overview

The OAG provides a number of programs and initiatives designed to attract, develop, and retain talented individuals who possess the skills and competencies necessary for success.

### Training

The Texas Legislature has recognized that programs for the education and training of state employees materially aid effective state administration. In addition, state law requires that all state employees complete certain mandatory training. Moreover, the Texas Government Code allows state agencies to spend public funds for education and training programs. The OAG provides training, employee development opportunities, peace officer education, and continuing legal education to ensure compliance with certain statutory requirements, develop key work-related competencies, strengthen the high-quality investigative work conducted by the agency, and develop and meet the agency's ongoing need for high-quality legal talent.

### Recruitment

The purpose of recruitment is to attract outstanding individuals who have an interest in state government. The OAG has ongoing programs that serve to enhance the recruitment of employees. In addition, the OAG continues to implement the following programs, which are intended to build a strong, talented pool of highly engaged prospective employees.

#### *Law Clerk Program*

The Law Clerk Program introduces qualified first-year and second-year law students from around the country to the rewarding and diverse OAG legal work. Law clerks work alongside OAG attorneys, gaining hands-on experience in their areas of interest. As in a traditional clerkship program, law clerks are expected to research relevant law, write legal memoranda, and assist agency attorneys.

Law clerks are selected based on factors such as grades, writing ability, legal experience, and interest in public service work. Recruiting includes participating in on-campus interviews at law schools, attending public service career events, and accepting applications from students throughout the country.

## Schedule F: Agency Workforce Plan

### *Intern Program*

The Intern Program provides unpaid internships for motivated undergraduate students and individuals. The program provides realistic training situations for interns to gain valuable hands-on experience.

Interns are selected based on factors such as scholastic achievement, grade-point average, leadership skills, participation in extracurricular activities, and communication skills. Recruiting for the program includes attendance at job and internship fairs, public presentations at colleges and universities, and dissemination of information to various career-services offices.

### *Child Support Intern, Volunteer, and Outreach Program*

The Child Support's Intern, Volunteer, and Outreach Program recruits talented interns and volunteers who possess the desire to give back to their community through public service. This program plays a pivotal role in assisting local child support offices by providing invaluable support and assistance in processing high volume caseloads.

### *OAG Fellowship Programs*

The OAG offers several post-graduate fellowships, including the OAG Honors Fellowship Program and the Gregory S. Coleman Fellowship Program.

The OAG Honors Fellowship Program recruits former OAG law clerks who have demonstrated a commitment to the agency and shown potential to excel as agency lawyers. The Honors Fellows work in the Civil Litigation, Legal Counsel and Criminal Justice divisions. Honors Fellows are encouraged to apply for Assistant Attorney General positions once they obtain their Texas law license.

The Gregory S. Coleman Fellowship Program honors Gregory S. Coleman, the first solicitor general of Texas. Selected candidates typically start a Coleman fellowship immediately after completing a judicial clerkship. Coleman Fellows work in the OAG's Office of the Solicitor General.

## **Retention**

To increase retention, the OAG provides employees the following:

### **1. Education and Training**

The OAG provides education and training programs designed to develop relevant knowledge, skills, and abilities and to increase employee engagement.

### **2. Payment of Fees for Professional Certifications and Licenses**

For certifications or licenses that are directly related to the individual employee's business function in the agency, the OAG reimburses certain professional fees paid by OAG employees.

### **3. Alternative Work Schedules and Flexible Workplace**

Pursuant to OAG policy, employees may have alternative work schedules. In addition, the OAG has a teleworking program for eligible personnel as appropriate for agency's needs.

### **4. Administrative Leave for Outstanding Performance**

Employees may be awarded administrative leave for outstanding performance pursuant to Section 661.911 of the Texas Government Code.

### **5. Wellness Program**

The OAG's Wellness Program provides employees the opportunity to participate in a variety of health initiatives.

## Schedule F: Agency Workforce Plan

### **6. Retention Payments**

The OAG may offer one-time additional compensation payments to retain employees designated as possessing scarce skills, critical knowledge, or attributes required for the ongoing success of the agency. To be eligible, the employee must have completed 12 continuous months of service with the agency in accordance with Texas Government Code Section 659.262.

### **Succession Planning**

The OAG utilizes a variety of practices and procedures that collectively contribute to the continuity of competent personnel in critical positions and the management of institutional knowledge. These include:

#### **1. Tangible Recognition**

The OAG recognizes and supports the retention of potential future leaders through pay raises and promotions, training opportunities, mentoring, and job assignments. These activities are designed to ensure continuity in key or critical positions and identify individuals who have demonstrated the potential to assume new roles and higher levels of responsibility.

#### **2. Centralized Knowledge and Processes**

The OAG places value on effectively documenting procedures and increasing the robustness of existing written knowledge. This reduces the transaction cost associated with turnover and expedites both the onboarding of new hires and the internal movement of existing staff.

#### **3. Distribution of Knowledge**

In addition to written content, the OAG creates opportunities (e.g., mock trials) for employees to benefit from inter-divisional collaboration and supports intra-division knowledge sharing. This collaboration and sharing of knowledge contributes to an environment for developing future leaders and improves communication and collaboration within the agency.