

## **SCHEDULE F: WORKFORCE PLAN**

### **I. AGENCY OVERVIEW**

The Texas Ethics Commission (TEC) 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.

#### **A. Agency Mission**

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

#### **B. Business Functions**

TEC 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, TEC 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.

In FY2022, TEC was authorized 34.4 FTEs but only had the budget for 27.8 FTEs. The Commission's mission is carried out through the following five divisions.

- Disclosure Filings (Strategy A.1.1)
- Office of the General Counsel (Strategy A.1.2)
- Enforcement (Strategy A.1.3)
- Central Administration (Strategy B.1.1)
- Computer Services (Strategy B.1.2)

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

The Commission's mission and goals remain steady with no anticipation of changes to its strategies or goals over the next five years. However, TEC continues to implement procedures to go paperless by using available technology and has completed the project of scanning older documents for a quicker search and cross reference of complaints.

## **D. Additional Considerations**

### **Challenges to Providing Competitive Salaries**

The Ethics Commission regards the agency staff as the agency's most valuable resource. We strive to recruit and retain the best employees in the State of Texas. TEC has addressed turnover by awarding one-time merits for performance exceeding standards and offering flexible work schedules. The Commission continues to experience increased competition for all classifications including attorneys, computer programmers, and staff services officers. As with the entire state, employee pay remains the agency's lowest satisfaction category for departing employees. We continue to evaluate its rewards for staff as the commission's salaries continue to lag behind that of other state agencies and the private sector. In a comparison of salaries for all our current staff classifications including: Attorneys, computer programmers, Staff Services Officers, and Directors, we found that the TEC pays its:

- Attorney II \$1,447 less than other state agency averages;
- Attorney IV \$16,819 less than other state agency averages;
- Computer Programmers are in line with other state agency salaries but \$23,623 less than the public sector;
- Staff Services officer \$5,869 less than other state agency averages;
- Director II \$8,509 less than other state agency averages;
- Director III \$15, 254 less than other state agency averages; and
- Director IV \$17,391 less than other state agency averages.

The incentives evaluated include increasing availability of telework and flexible work schedules to allow for work and home life balances.

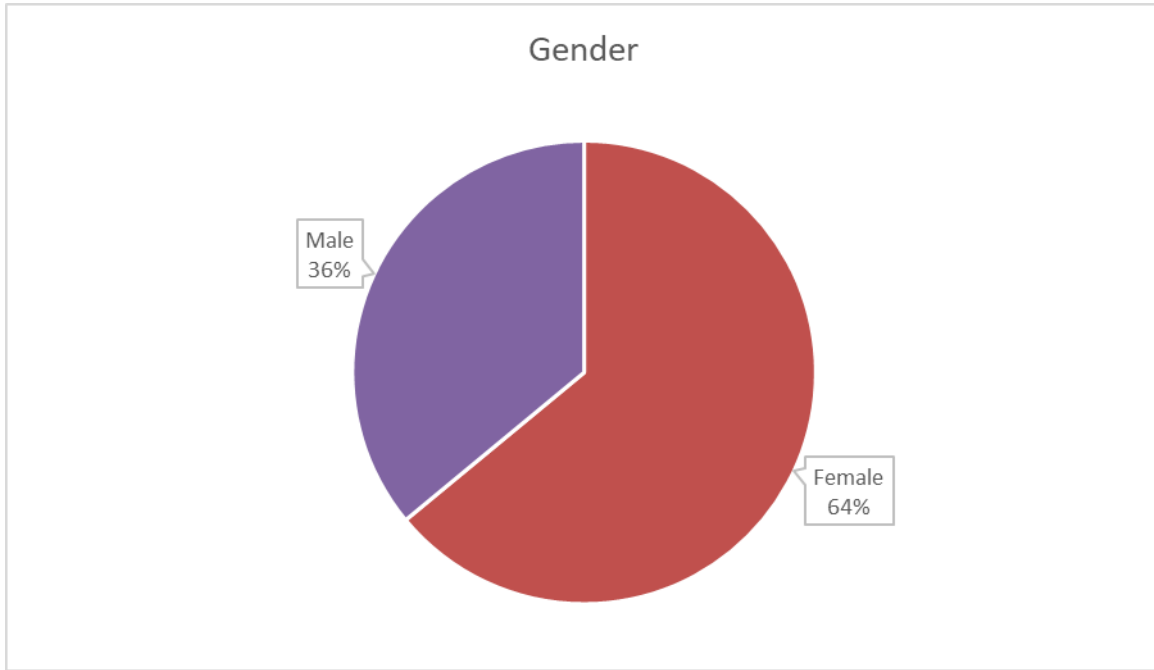
## **II. CURRENT WORKFORCE PROFILE (SUPPLY ANALYSIS)**

### **Critical Workforce Competencies**

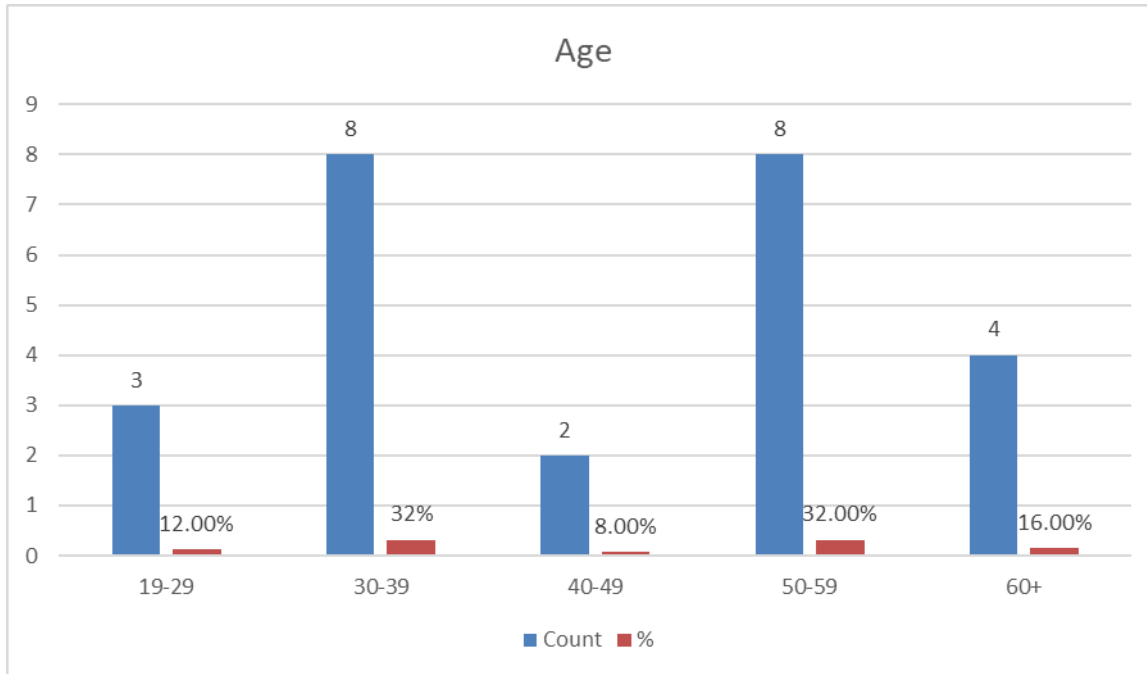
There are several critical skills that are important to TEC's ability to fulfill its constitutional and statutory duties. Without these skills, TEC could not comply with the Commission's goals and mission. The skills needed include: critical thinking, ability to interpret legislation; communication, organization, ability to write guidelines and procedures, legal research, problem solving, ability to develop long-term and short-term goals, strategic planning, risk management, financial management, ability to develop and monitor complex contracts, leadership development, willingness to learn, analyze security of information systems and data, implement security measures for computer or information systems, computer programming, develop diagrams or flow charts of system operations, and quality assurance skills.

## Workforce Demographics

The following chart profiles the Commission’s total workforce. As of May 1, 2022, the Commission’s total headcount is 25 employees. This includes 24 full time and one part-time employee. The Commission’s workforce is comprised of 64% females and 36% males. Over 56% of our employees are over the age of 40. Approximately 64% of our employees have less than five years of agency service, indicating the need for continuing strong training programs to ensure our employees are well-trained to serve the State of Texas.



*Source: SAO Electronic Classification Analysis System (E-Class)-Fiscal Year 2022 employees by Gender with modifications.*



Source: SAO Electronic Classification Analysis System (E-Class)-Fiscal Year 2022 employees by Age with modifications.



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The following table compares the percentage of African American, Hispanic, and female Commission employees as of May 1, 2022, to the State Agencies Workforce Composition (FY 2020) is the most current on the Workforce Commission’s 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, Female Administrative Support, Hispanic

Professionals, Hispanic Para-Professionals, Female Para-Professionals, and Hispanic Technicians.

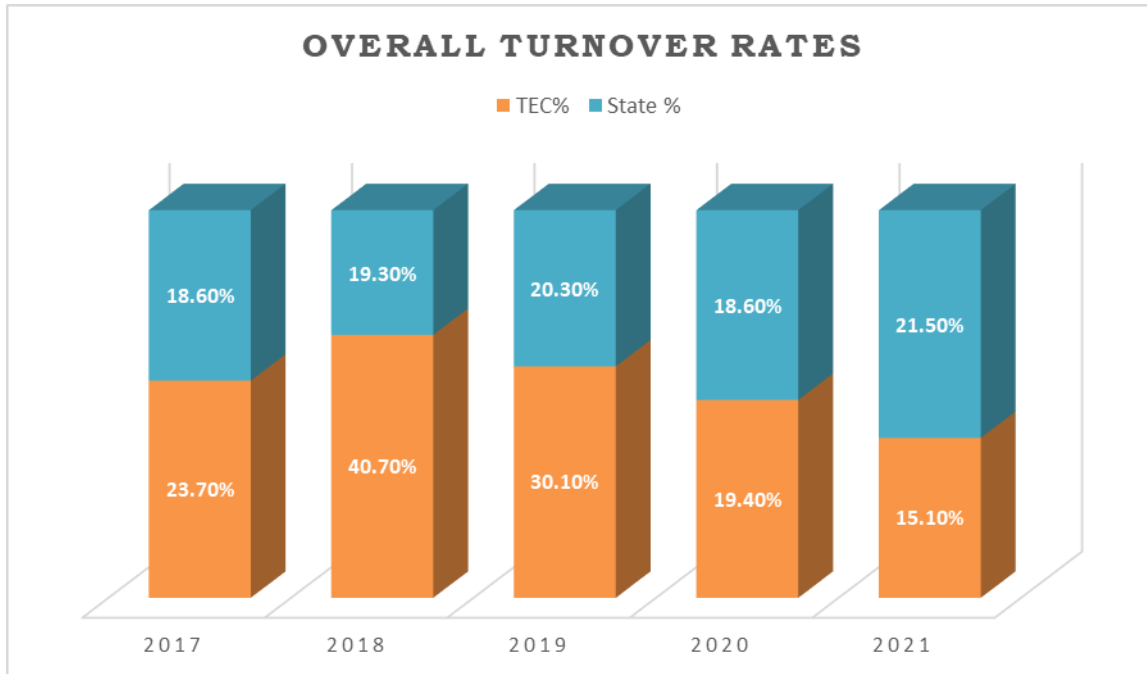
There are several categories of under-represented classes that the Commission should address, particularly African Americans in all job categories, Hispanics in Administrative Support, Female Professionals, and Female Technicians. Through its recruitment plan, the Commission continues to strive to maximize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

Job Category	African American		Hispanic American		Females	
	TEC %	State %	TEC%	State %	TEC %	State %
Officials, Administration (A)	0%	12.03%	40%	15.72%	60%	55.69%
Administrative Support (C)	14%	18.36%	29%	33.74%	86%	81.71%
Service and Maintenance (M)	0%	24.15%	0%	36.16%	0%	44.74%
Professional (P)	0 %	11.31%	34%	17.06%	50%	57.23%
Para-Professional(Q)	0%	37.07%	50%	29.28%	100%	72.18%
Protective Services (R)	0%	35.94%	0%	24.71%	0%	47.9%
Skilled Craft (S)	0%	8.5%	0%	26.85%	0%	8.05%
Technicians (T)	0%	18.54%	33.3%	26.31%	0%	61.10%
total						

Sources for State %: TWC EEO & Minority Hiring Practices Report FY 2019 – 2020 and Source: SAO Electronic Classification Analysis System (E-Class)-Fiscal Year 2022 number of employees by EEO Category, Ethnicity, And Gender

### Agency Turnover

Turnover is an important issue in any organization, and the Commission is no exception. The following charts show the Commission’s turnover rate compared to the state percentages (employees who transferred to another state agency are included in the chart below), 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, 2016 to August 31, 2021), the Commission turnover rate has averaged 25.2 %, which is above the statewide five-year average of 19.7%.



Source: SAO Annual Report on Classified Employee Turnover for Fiscal Year 2017, 2018, 2019, 2020 and 2021.

As of May 1, 2022, the Commission’s overall agency turnover rate is 10.8% of the current fiscal year 2022.

### Turnover by Length of Service

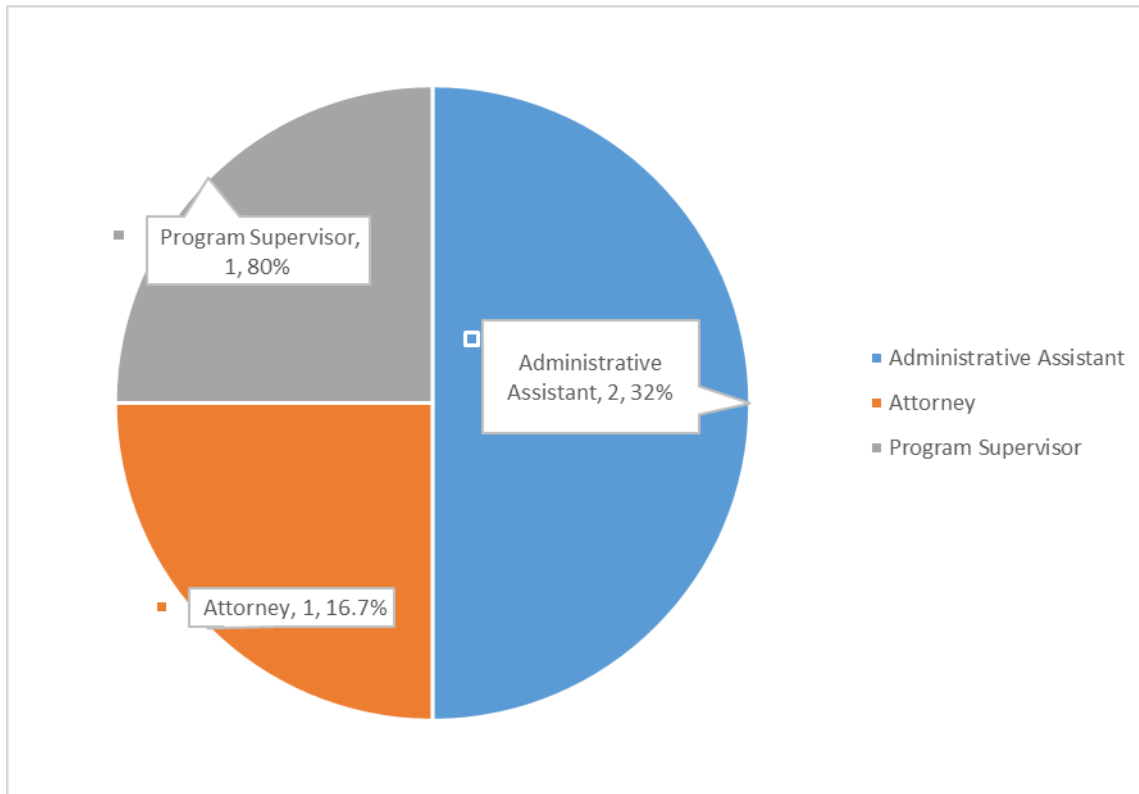
The greatest area of turnover for the Commission has been with employees who have less than 2 years of experience. This group accounted for 37.2% of the turnover over the past five years. Reasons for departure include low pay, no room for advancement, and retirement. The below chart is calculated by identifying the overall number of employees by length of agency service and comparing that to the number who termed, retired or who transferred to another state agency.

Agency Service Before Separation	FY2017 TEC %	2017 State %	FY2018 TEC %	2018 State %	FY2019 TEC %	FY 2019 State %	FY2020 TEC %	FY 2020 State %	FY2021 TEC	2021 State%	5 Yr. TEC%	5 Yr. State%
Less than 2 years	5 40.8%	39.7%	6 60%	41.2 %	4 57.1%	42.4%	3 23.1%	39.4%	1 11.1%	48.4%	37.2%	42.1%
2-4 years	1 19%	18.6%	4 57%	20.3 %	2 41.7%	20.9%	0	17.9%	1 12.5%	21.7%	27.4%	19.9%
5-9 years	0	10.5%	0	11.4 %	0	11.7%	0	9.8%	0	11.9%	0%	11.1%
10-14 years	0	9.5%	0	10 %	0	10.1%	1 50%	9.0%	1 25%	10%	16.7%	9.7%
15-19 years	1 57.1%	8.5%	0	9.3 %	0	9.6%	1 33.3%	8.8%	1 50%	9.6%	30%	9.1%
20-24 years	1 30.8%	12.3%	1 33.3%	12.9 %	1 50%	12.7%	0	12.6%	0	13%	33.3%	12.7%
25-29 years	0	18.6%	0	19.7 %	1 33.3%	20.1%	1 33.3%	17.7%	0	20.5%	14.3%	23.6%

30 to 34.99 years	0	21.0%	0	22.3%	0	21.0%	0	19.4%	0	23.6%	0%	21.4%
35 Years or More	0	18.7%	0	17.5%	0	19.3%	0	17.8%	0	19.4%	0%	21.5%
Total Separation	8	28,218	11	28,684	8	30,565	6	27,882	4	31,665	37	147,014
Total Rate	23.7%	18.6%	40.7%	19.3%	30.10%	20.3%	19.4%	18.6%	15.1%	21.5%	25.2%	19.7%

Source: SAO Electronic Classification Analysis System (E-Class) - Includes interagency transfers and SAO Annual Report of Classified Employee Turnover for Fiscal Year 2017-2021 Turnover rate is not the sum of percentages but based on number of separations and average agency headcount.

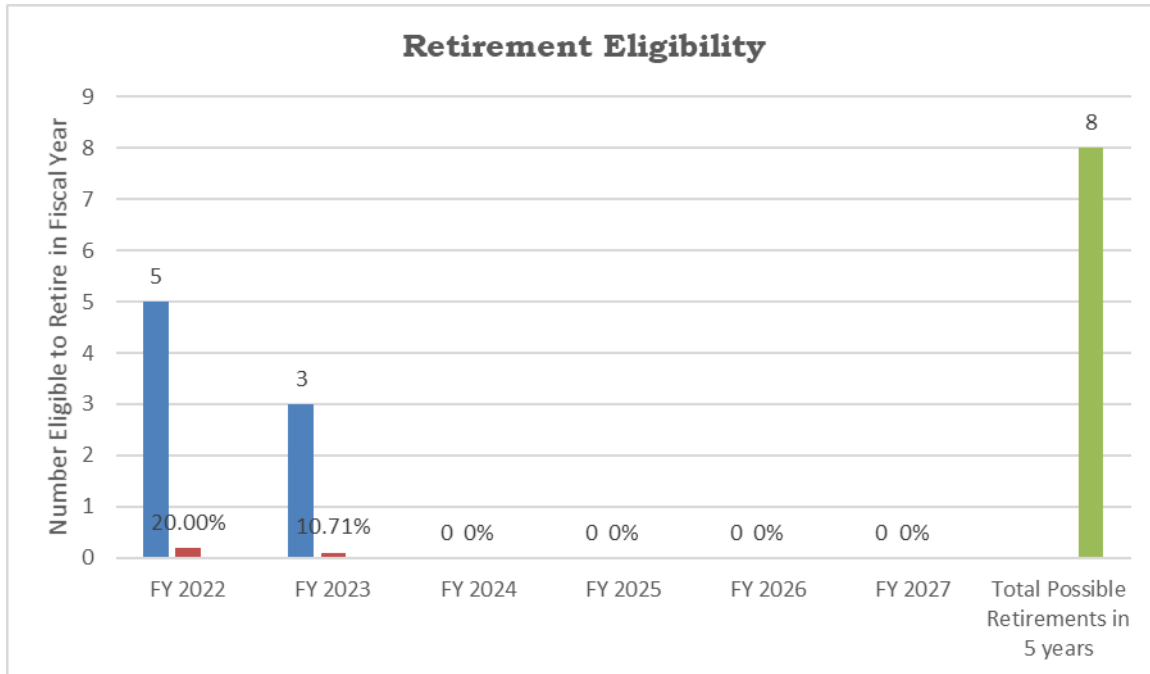
### Turnover by Job Classification Series – FY 2021



Source: SAO Electronic Classification Analysis System (E-Class) Turnover Rate by Job Classification Series - Includes Interagency transfers

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

With a maturing and highly experienced workforce, 20% (5) of the Commission’s current employees (24.8) are eligible for retirement at the end of Fiscal Year 2022. Of that group, approximately 20% (1) are management or lead staff. Another 10.71% (3) of the Commission’s employees will be eligible for retirement within the next five years. This represents 28.6% of the filled full-time employee workforce (est. 28 FTE eff 2023), with many of these employees occupying key positions within the agency and possible payments of over \$114,000 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 skills, including clear communication and patience;
- Legal research and analysis;
- Litigation skills, including written and oral advocacy and drafting discovery requests;
- Knowledge of the laws administered and enforced by the Commission;
- Reviewing and analyzing campaign finance, lobby, and other reports filed with the TEC;
- Organization skills required to administer and enforce statewide filing requirements;
- Developing and maintaining databases;
- Data-analysis and visualization;
- Administering and maintaining a network infrastructure;
- Developing and maintaining a website; and
- Developing and maintaining Java based computer programs.



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

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

The following functions are critical to achieving the TEC's strategic plan:

- Receiving and maintaining data required to be filed with the Commission, both electronically and in hard copy, and assist persons in accessing that data;
- Respond quickly, accurately, and impartially to formal requests for advisory opinions and informal requests for legal guidance;
- Enforce the laws administered by the Commission by responding quickly and impartially to sworn complaints, performing random audits; and assessing statutory penalties for late-filed reports and impartially adjudicating their appeals; and
- Educate the public, state employees, and those subject to the laws administered and enforced by the Commission.

#### **Expected Workforce Changes**

The Commission must prepare for the departure of at least two of its Directors, who reach retirement eligibility in 2022 and 2023. These individuals are critical employees at the agency, responsible for overseeing the human resources, payroll, finances and operation and maintenance of the TEC's electronic filing system and public website. They have been at the TEC for 27 and 11 years, during which time they have procured, managed and built many of the TEC's computer systems. One has managed the TEC's relationship with its software vendors, and developed many of the TEC's internal protocols for maintaining its databases and notifying filers of pending deadlines and unpaid penalties. Their knowledge and skills will be extremely difficult for the agency to replace. When these employees retire or otherwise leave the TEC, the agency would likely need at least four new employees to cover the wide variety of responsibilities that it has come to rely on these employees to accomplish by themselves.

In addition to these potential key departures, the agency can expect, based on previous averages, to lose at least 5 additional employees during the next five years. Losing attorneys is particularly problematic for the TEC because of the unique and highly-specialized area of law that the agency administers and enforces. However, the TEC often loses attorneys to other state agencies because, on average, it pays its attorneys \$5,945.45 less than the state-agency average.<sup>4</sup> Absent additional funding, the Commission will continue to look for other ways to bring its salaries closer to the state-agency average.

#### **Future Workforce Skills Needed**

##### **Expert in data analysis and visualization**

The TEC's mission, at its heart, is to inform the public about how political campaigns in Texas are financed, the activities and expenditures of lobbyists, and the financial interests of state officers and candidates. It receives and makes public large quantities of data about the political

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<sup>4</sup> See Schedule F, Part I., Subpart D at page 40.

contributions and expenditures of candidates and political committees, the activities of lobbyists, and the financial interests of public officials. However, it does not currently employ an expert in data analysis and visualization that could identify new and helpful ways to communicate that data to the general public. As an agency that is fundamentally built around educating the public with data, the TEC believes it should add such a professional to its staff.

### **Web design and software programming**

In addition, some amount of legislative or technological change can be expected to occur over the next five years, requiring an increase in computer skills such as web design and software programming.

### **Attorney and Legal Staff**

As the state population grows, so does the TEC's regulated community of local and state candidates and officials, lobbyists, and government employees. The TEC seeks to add additional attorneys and staff to account for the increased volume of requests, inquiries, and complaints.

### **Administrative Staff**

Finally, as the hiring pool gets competitive, the need to maintain and fill critical administrative roles such as a front desk receptionist and accounts payable personnel, becomes imperative. The commission looks to fill these two critical roles as well as additional vacant and unfunded administrative positions in the commission.

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

The agency currently is authorized 34.4 FTEs, but at current funding levels it is only able to afford 27.8 full time employees and has not been able to consistently retain employees at current funding levels. Increasing staffing levels to meet the number of FTEs authorized by the State would have a positive impact on the Commission's ability to achieve its mission and statutory obligations.

## **IV. STRATEGY DEVELOPMENT**

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

The Commission has determined that there are gaps in workforce numbers or skills for the next five years. These gaps are in the following skill sets: Para Professionals, and Technical. Many of these gaps are caused by staff turnover or changes in technology or 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:

- When new employees are hired, the Commission strives to ensure that they are trained quickly and thoroughly so that our employees are well prepared to serve Texas;
- The Commission will seek appropriate funding to recruit and retain employees to the extent possible;
- The Commission will continue to follow the state recruitment plan to maximize the number of qualified minority, disabled, veteran, and female applicants for available positions within all job categories; and
- The Commission will develop in house procedural manuals to quickly train new hires and allow cross over training within.

The Commission will work to decrease its turnover rate lower than the State average by continuing to conduct exit interviews, offer the State Online 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.