

# Agency Workforce Plan

## Agency Overview

The State Office of Administrative Hearings (SOAH) serves as an independent, neutral forum for the State of Texas by providing a fair and efficient hearings process and the opportunity for alternative dispute resolution proceedings, in accordance with Chapter 2003 of the Texas Government Code.

SOAH resolves disputes between Texas agencies, other governmental entities, and private citizens either through an administrative hearing or mediation. The office is separate and independent from the agencies involved in the disputes. The administrative law judges (ALJ) who preside over the disputes are neutral. The specific objectives of the State Office of Administrative Hearings are to:

- Conduct fair and objective administrative hearings.
- Provide fair, timely, and efficient decisions and Proposals for Decisions.
- Offer the opportunity for parties to resolve their disputes through mediation (or alternative dispute resolution).

## Strategic Goals and Objectives

Goal: To provide for a fair and efficient administrative hearings process.

Objective: Ensure that all hearings are conducted in a fair and impartial manner. Provide an opportunity for alternative dispute resolution proceedings.

## Workforce Profile

SOAH was authorized 123 Full Time Equivalents (FTEs) in the General Appropriations Act in FY 2021. In FY 2022, the FTEs were reduced to 119 FTEs as the maximum FTEs allowed. SOAH's Chief Administrative Law Judge (Chief ALJ) is appointed by the Governor and serves as the agency's Executive Director.

As employees retire, SOAH continues to evolve and reorganize in order to streamline workflow and increase efficiencies. In FY 2021, both the Deputy Chief ALJ and the Chief Operating Officer (COO) became vacant opening the opportunity to analyze the structural alignment of the agency. After analysis, the decision was made to modernize the reporting structure of the agency. This organizational change resulted in a number of benefits, including better communication channels for employees and more transparency of agency functions.

- *Records & Risk Management* - The Records & Risk Management Section was created in FY 2022 to better streamline the agency's management of records and risk management activities for SOAH. The section currently has one team leader and two administrative assistants. The streamlining of this newly created section

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has resulted in better training materials regarding the handling of agency records and risk management. This realignment also allowed for a closer partnership with Human Resources (HR) for our new employees.

- *General Counsel* - The General Counsel Division is led by the General Counsel who oversees public information requests, SOAH policies, and general counsel duties. The Assistant General Counsel position supports the General Counsel by reviewing public information requests and spearheading the review and update of SOAH policies and forms.
- *Hearings* - The vacant Deputy Chief ALJ position was analyzed and found that one Deputy Chief ALJ was not able to effectively oversee Austin and Field Office. This resulted in the creation of two Deputy Chief ALJ positions.
  - Deputy Chief ALJ for Hearings for Austin  
Austin ALJs are organized within functional teams lead by ALJ Team Leads. The teams include the following: Alternative Dispute Resolution, Central Panel, Individuals with Disabilities (IDEA), Master Panel, Tax, Utilities and Quality Control & Training.
  - Deputy Chief ALJ for Hearings for Field Offices  
The Deputy Chief ALJ for Field Offices oversees geographically located offices in Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Lubbock, and San Antonio.
- *Chief Clerk's Office* - The Chief Clerk's Office now directly reports to the Chief ALJ. This realignment provides better communication and coordination as SOAH implements a new Case Management System. The Chief Clerk's Office was expanded to include managing SOAH's Legal Assistants and the Legal Secretaries located in Austin. Legal Secretaries located in Austin provide support to the Austin ALJ Teams and are led by a Team Lead. This streamlined approach ensures consistency of the work produced between teams. In FY 2022, SOAH created a new position and hired one Legal Secretary to work as "Floater" and support Austin Teams and Field Offices, as needed. This matrix position serves as a pilot for resource allocation for the new modern workforce. The Docketing Clerks report to the Chief Clerk. A Work Lead delegates, monitors, and trains the Docketing Clerks now called "Clerks".
- *Information Technology* - The Information Technology Division is led by the Chief Information Officer (CIO). The CIO oversees Systems Development, Systems Administration and the agency Help Desk. By elevating the position from IT Director to CIO and making the position a direct report to the Chief ALJ, the change has resulted in a streamlined implementation of new software to the Agency. This also provides the flexibility to quickly adapt to changing technology.

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- *Operations* - The Operations Division is led by the Chief Financial Officer (CFO) who oversees Accounting, Budget, Purchasing/HUB, Human Resources, and Staff Services. The CFO is a direct report to the Chief Judge. This reorganization has decreased the time needed to make finance and HR decisions, as well as, to implement new procedures across functional areas.

## **Demographics**

The statistical information provided in this Workforce Plan is based on data from the State Auditor's Office classification system, as of August 31, 2021.

Fiscal Year 2021, SOAH's workforce is comprised of 109.75 FTEs:

- 31% Male
- 69% Female

The percentage of women working at the agency is higher than the State of Texas average of 57%.

Of the agency employees:

- 79% are over the age of 40, compared to the statewide population of 61%.
- Median age is 49.5 years of age
- 41% are of minority ethnicity; this is an increase from 38% in FY 2019.
- 18% have 5 years or less agency service
- 30% have 5 – 10 years of agency service
- 52% have more than 10 years of agency
- The average length of employee service time at SOAH is 7.5 years.

Agency's employees have a wealth of experience with more than 52% of the agency having more than 10 years of SOAH experience.

## **Workforce Eligible to Retire**

Based on ERS projections, approximately 35% of current employees will be eligible to retire by the end of fiscal year 2027, just over five years away.

Currently 17% of SOAH employees are eligible to retire by the end of Fiscal Year 2022.

Projected retirements impacting the agency requires the agency to be strategic in several critical areas:

- Develop a plan for the Field Offices staffed by one ALJ who is eligible to retire.
- Document all current procedures to assist in knowledge transfer.
- Hire new employees who are proficient in the use of current standard software and adept at learning new software.

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Retirements impact SOAH's workforce; therefore, the divisions need to evaluate each vacancy:

- Projecting future business needs in that area.
- Reviewing staffing FTEs and job titles needed to meet future challenges.

### **Veteran Workforce**

The agency's veteran workforce continues to comprise less than 6%, falling short of the statewide target of 20%.

Job postings are shared with the Texas Veteran's Commission, and the agency provides a military crosswalk for all external job postings. The agency adheres to the statutory requirement to interview qualified veterans for all job openings.

SOAH Human Resources (HR) has developed a business practice of carefully reviewing all applications by veterans who apply to our postings. HR routinely reaches out to veterans and provides guidance as to how the veteran may improve their application and prepare for interviews.

HR ensures all veterans' applications are closely examined by the hiring manager and assists the manager in understanding the veterans' applications. Although SOAH's veteran population appears to be static, SOAH has had success with hiring well-qualified veterans. However, other veterans transitioning out of SOAH result in little change to the percentages.

### **Agency Turnover**

The agency's turnover rate is 16%, which includes retirements but excludes interagency transfers.

However, SOAH's turnover rate is below the statewide average of 22%. The job titles with the highest turnover rates are mostly due to retirements include:

- Administrative Law Judges – 44%
- Legal Secretary and Clerks – 28%

SOAH is considered a medium sized agency and career opportunities in some job titles are limited based on business need and financial constraints. Employees seek employment in the private sector or other state agencies to advance in their career.

For Fiscal Year 2021, the top reasons reported for voluntary separations from the agency based on the State Auditor's Office exit survey were:

- Retirement

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- Better pay/benefits
  - Employment growth

### **Projected Agency Turnover over Five Years**

Factors listed above are expected to remain; therefore, SOAH anticipates a higher turnover rate over the next five years. SOAH's turnover reflects the increased statewide turnover rate.

Although turnover is projected to increase, each position vacated creates an opportunity to replace that position with a candidate who matches the evolving skill set needed as the agency modernizes and increases efficiencies. In FY 2021, the agency was able to hire qualified candidates who have essential computer skills required for moving the agency forward to successfully meet future goals.

### **Workforce Skills Critical to the Mission**

SOAH requires a workforce with a variety of critical skills and a high level of education to effectively fulfill the core functions. Based on the agency's mission, the dominant skill sets needed are:

- Legal expertise
- Research, writing, and review skills
- Effective communication
- Emerging and advanced technology skills
- Change management
- Management skills
- Presiding experience
- Understanding of laws, rules, and policies
- Individuals with Disabilities Education Act (IDEA) training
- J.D. Degree
- Data analysis and management

As SOAH continues to evolve with modernizing computer programs, processes and procedures, all SOAH employees need to be competent using a computer and modern computer programs such as Adobe Professional and Microsoft 365 tools like Word and Teams.

HR reviews positions on a regular basis and identifies the basic and advanced technical knowledge, skills, and abilities associated with each job classification. When a position becomes vacant, each job requisition posted is evaluated and modernized in order to hire a workforce possessing the skills needed to move the agency into the future.

### **Workforce Allocation**

A current staffing snapshot for FY 2022 includes:

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- Chief Administrative Law Judge
    - One Legal Assistant; direct report to Chief ALJ
  
  - Records & Risk Management
    - One Program Specialist who is the Team Lead for the Section
    - Two Administrative Assistants
  
  - General Counsel Division,
    - One General Counsel
    - One Assistant General Counsel
  
  - Hearings Division  
The Hearings Division led by two deputies:
    - Deputy Chief ALJ for Hearings for Austin
      - 32 Austin Team ALJs; of which two are currently vacant.
    - Deputy Chief ALJ for Hearings for Field Offices
      - 34 Field office members; of which 20 are Administrative Law Judges including two vacancies.
  
  - Chief Clerk's Office led by Chief Clerk
    - Chief Clerk
    - Three Legal Assistants
    - One Legal Secretary Team Lead
    - Eight Legal Secretaries; of which one is the floater position
    - One Clerk Work Lead
    - Seven Clerks
  
  - Information Technology led by CIO
    - One CIO
    - One Help Desk Team Lead
    - Three System Administrators
    - One working in Systems Development
    - One Contractor
  
  - Operations led by CFO
    - One CFO
    - One Finance Team Lead overseeing Budget/Accounting and Purchasing including two Accountants and one purchaser.
    - Three Human Resources employees including HR Manager and HR Specialist and one Staff Services Officer. The Staff Services Officer's position also supports Finance in a limited role.

**Fiscal Year 2021 SOAH's EEO Classifications:**

- Professionals – 57%
- Administrative Support – 31%

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- Officials & Administrators – 9%
  - Technicians – 3%

## **Expected Workforce Changes**

The COVID pandemic changed the workplace, work processes, and methods of communication. COVID forced state agencies to use alternate tools of communication with employees and the general public. Tools such as Zoom and Teams quickly became a necessity. Hearings at SOAH transferred from an in-person platform to an electronic platform, and although the transition had its initial hurdles, SOAH has seen results of increased access to the public for hearings.

The most notable change due to COVID is the evolution of a hybrid work environment for SOAH staff. As we continue to adjust living with COVID, the hybrid work environment at SOAH is here to stay. There are several challenges when managing a hybrid work environment:

- Requires flexibility for the employee and supervisor
- Requires strong communication skills for all
- Requires the use of modern technology
- Requires supervisors to engage their employees on a frequent and regular basis
- Requires clearly defining expectations and business needs for what the hybrid work schedule looks like (how many days in office/at home).

When hiring new employees, the agency must define expectations from the start of the job posting so potential employees will clearly understand what will be required.

To make the hybrid work model successful, clear communication is a necessity. Clear communication starts from day one with the New Employee Orientation. The next step is to have an effective training plan in place for that new employee. Finally, the employee needs to understand how to communicate to their supervisor, team and the general public.

Finally, the hybrid work model requires all employees to become computer literate and embrace the emerging modern technologies. The agency continues to focus on increasing efficiencies in workflow and quality work products such as using electronic forms and esignature.

## **Compensation**

The Survey of Employee Engagement conducted in Spring FY 2022 confirmed that salary remains the number one gap related to job satisfaction. Beyond retirements, exit surveys indicate turnover is due partially to salary. SOAH's leadership has been proactive in managing compensation issues in FY 2022 by taking the following steps:

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- Increased the base salary for employees in the lowest job titles.
    - The new base for any SOAH employee is \$40K annually.
  - Increased the entry level ALJ position in all Field Offices from ALJ I to ALJ II.
    - SOAH no longer hires any ALJ I's.
  - Increased the entry level ALJ position in Austin Office to ALJ III's.
    - SOAH no longer hires ALJ II's in Austin.
  - Increased the Legal Secretary II in Field Offices to Legal Secretary III's.
    - SOAH no longer hires any Legal Secretary at the I or II level.
  - Provided salary equities to all Docketing clerks, some of whom were in the lowest salary pay grades at SOAH.

SOAH has also been actively reviewing employees' job descriptions and job duties. By providing training and expanding the breadth and depth of employees' job responsibilities, SOAH has been able to internally promote employees to a higher job classification.

Examples of recent promotions include:

- Purchaser II to Purchaser III
- Account I to Accountant III

The agency continues to review each position and classification, including conducting comparisons of classifications with other state agencies, in order to mitigate turnover and ensure the agency is competitive in today's modern world.

The agency reviews Administrative Law Judges' salaries to ensure they are comparable to peer agencies with similar job functions or titles.

Compensation has become important to the continued success of SOAH and is addressed in an agency strategic goal addressed below.

### **Increase Diversity**

SOAH continues to improve the diversity of the workforce. By having improved job descriptions and providing job postings that accurately reflect each position, SOAH has made strides in improving the agency's diversity. SOAH's hybrid work environment and flexible work schedule have helped in hiring a more diverse workforce as well. This information is gained from an improved New Employee Orientation where new employees meet other employees outside their immediate work group.

- 41% of SOAH's workforce is comprised of ethnic minorities.
- 14% of SOAH's workforce is black. This percentage is below the statewide average and does not reflect State of Texas demography.
- 22% of SOAH's workforce is Hispanic, which is an increase of 2% from FY 2019.

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## **Recruiting**

Recruiting diverse applicants and applicants with advanced skill sets will continue to be a priority focus for SOAH. Innovative, targeted recruiting will need to be enhanced to meet future challenges. In the SAO's exit surveys taken by employees who voluntarily separate from state employment, exiting employees cite pay and benefits as the primary reason for leaving state employment. The State's pay is also the lowest scored construct identified on the most recent Employee Survey.

SOAH may need to explore the option to invest money in a third-party recruiting platform, such as Indeed, in order to have a wider audience for the job postings.

The state goal for each agency's veteran population should be 20% of the agency's workforce. SOAH continues to fall short in achieving compliance with Senate Bill 805, as passed by the 84th Legislature. SOAH will continue outreach efforts by networking and building partnerships with Veteran organizations.

Similar to other medium sized agencies, recruitment and retention of staff in direct administration is a challenge. IT professionals, purchasers, and finance professionals are difficult to replace. Competition from the private sector and larger agencies continues to increase.

Recruitment focused on technology driven professionals will help close the gap in computer skill sets.

## **Hybrid Work Environment and Flexible Work Programs**

SOAH transitioned to a hybrid work environment due to the COVID Pandemic emergency orders in FY 2020. Each division, team and office define their specific business needs and outlines the requirements needed in order to complete the work tasks. Examples of duties requiring in-office presence are processing mail, receipt and deposit of physical checks, and other responsibilities such as closing agency records.

Each area ensures appropriate staffing coverage to meet the needs of the Agency.

Many divisions such as Operations requests employees to physically come into the office one or two days a week; the rest of the time the employee is working remotely. The goal of the hybrid work environment is to provide flexibility, increase efficiencies, and ensure all tasks are completed timely. One of the agency's primary communication tools used is Teams, which supports voice, video, and chat features.

Besides a hybrid work environment, SOAH previously initiated a flexible alternative work schedule in order to retain a work-life balance. An alternate hour schedule may have an employee working from 7 am to 4 pm instead of a standard 8 am to 5 pm workday. This flexibility has favorably assisted in recruiting younger employees who expect more flexibility provided by employers.

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## Technology

In April 2022, SOAH's IT Division launched the SharePoint and OneDrive computer programs in order to improve the management of electronic files.

There are many advantages to using both SharePoint and One Drive. SharePoint provides for easier access to the files and better security for the information stored. One Drive removes the need for individual personal drives maintained on a local physical hard drive. Both programs store files in the Cloud. Storing files in the Cloud has several advantages:

- The information is more easily accessible from different platforms.
- The information is more secure.
- The information accessed does not require a VPN connection.
- The information is saved and backed up regularly as it is created, this provides better security for the information.

By launching SharePoint and One Drive, SOAH realizes a cost savings and immediate efficiencies to business processes.

The agency has historically been a paper-based agency with documents and forms that were printed, manually signed, and returned in hard copy format. Efficiencies and cost savings were realized immediately by using programs such as Adobe for the creation, signature and routing of various documents, all electronically.

The implementation of the new case management system requires information technology training sessions for all employees working with hearings. These can include:

- Computer based training,
- Tutorials, and
- Desk aids or Guides.

## Policies, Procedures and Forms

The agency progresses in the continued modernization of all SOAH's forms, policies and procedures.

The agency implemented a review process administered by the Assistant General Counsel. This review process ensured policy compliance with state laws, rules, and regulations. After the templates were standardized, each division met with the Assistant General Counsel and developed a consistent, logical numbering schematic.

Once the numbering schematic was approved, the divisions were able to update forms and create new forms using Adobe. By utilization the electronic signature routing feature built into Adobe, SOAH has moved away from a paper-based routing procedure.

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This improved electronic routing process results in cost savings by using less paper, less copier usage and less time required to manually route and file the paper documents.

Agency procedures are currently under review and are updated throughout the agency to assist in the knowledge transfer should an employee retire or leave the agency. The procedures are available to employees in that division and are an effective way to transfer knowledge of a process or procedure required by SOAH. Employees not familiar with a specific process such as Finance's Payroll Procedure are able to review the procedure and complete the required tasks. The updated procedure serves as a training guide and is supplemented by hands-on training with the current employee who serves as a subject matter expert.

## **Communication**

In the Employee Engagement Survey completed in March 2022, of the 10 rated constructs, internal communication was second lowest ranked construct evaluated.

In a continued effort to improve internal communication agency-wide, SOAH launched a redesigned intranet in October 2021. The intranet known as Court Central is easy to use, pleasant to view, and retains information needed for all employees. Court Central is an important way to communicate critical information to staff and a one-stop-shop for training.

The newly designed Court Central provides a designated section for pictures with captions. For example, SOAH will introduce each Field Office using pictures of employees, events and the actual Field Office facilities. This information is a fun, easy way for employees to get to know other staff members. It also boosts morale since it makes the highlighted employees feel connected to the agency.

## **Change Management**

The need for specialized skills in change management is critical in this pandemic environment. All SOAH job postings and the interview/hiring process is designed to identify the knowledge, skills and abilities needed for effective change management. Essential skills required are flexibility, adaptability, and an attitude that is receptive to the evolving work environment in which we live. This change management philosophy is here to stay and will be a core hiring factor for years to come.

## **Self-Service**

Self-service platforms such as Employee Retirement System (ERS) and the Centralized Accounting and Payroll/Personnel System (CAPPS) require employees to be proactive in managing their own personal and business affairs. HR has developed a variety of desk aids to assist employees in completing these transactions.

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Upon seeing the need to provide additional information to our new employees, HR now provides tutorials for all new hires on CAPPs and ERS. HR is always available and meets regularly in a Teams meeting where HR can share the screen and review the information together. Training using Teams has become an effective communication tool for our new employees and should increase retention.

### **Strategic Development**

In order for the agency to meet the demands of the future and ensure the workforce plan supports the mission, goals, and strategic plan, the following strategies will be implemented.

### **Forward Looking**

As outlined in our Chief Administrative Law Judge's Goals and Action Plan, there are several areas that impact the workforce plan going forward. The following objectives set a blue print for the future of the agency:

- Conform Pay Grades to Statutory Requirements in Order to Ensure Retention and Recruitment.
- Consolidate Field Office ALJs into the Austin Office Salary Schedule.
- Standardization of Training.

Expected completion: June 2025