

Texas Commission on Jail Standards



Workforce Plan FY 2023-2027

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Agency Overview

The Texas Legislature created the Commission on Jail Standards in 1975 to implement a declared state policy that all county jail facilities conform to minimum standards of construction, maintenance and operation. In 1983, the Texas Legislature expanded the jurisdiction of the commission to include county and municipal jails operated under vendor contract. In 1991, the Texas Legislature added the requirement for count, payment, and transfer of inmates when precipitated by crowded conditions as well as expanding the commission's role of consultation and technical assistance. In 1993, the legislative function expanded the role of the commission again by requiring that it provide consultation and technical assistance for the State Jail program. In 1997, the Texas legislature affirmed that counties, municipalities and private vendors housing out-of-state inmates are within the commission's jurisdiction. It is the duty of the commission to promulgate reasonable written rules and procedures establishing minimum standards, inspection procedures, enforcement policies and technical assistance for:

- 1. The construction, equipment, maintenance, and operation of jail facilities under its jurisdiction;**
- 2. The custody, care and treatment of inmates;**
- 3. Programs of rehabilitation, education, and recreation for inmates confined in county and municipal jail facilities under its jurisdiction.**

The Commission's office is in downtown Austin, Texas, and there are currently 23 FTE's budgeted.

Agency Mission

The mission of the Texas Commission on Jail Standards is to empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas. During its regular session of 1975, the 64th Legislature enacted House Bill 272 creating the Texas Commission on Jail Standards in an effort to end federal court intervention into county jail matters and return jail control to state and local jurisdictions. Formerly through Title 81 of the Civil Statutes and currently through Chapters 499 and 511 of the Government Code, the state has evinced a strong commitment to improving conditions in the jails by granting us the authority and responsibility to promulgate and enforce minimum standards for jail construction, equipment, maintenance and operation. Related duties and rules are set forth in Chapters 351 and 361 of the Local Government Code, Title 37 of the Administrative Code, and our own Minimum Jail Standards.

Strategic Goals, Objectives, and Related Functions

Goal 1 - Inspection and Enforcement: Develop and implement a uniform process to inspect, monitor compliance and ensure due process in enforcement of standards for local jails.

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Objective: Monitor local facilities and enforce standards Strategy: Perform inspection of facilities and enforce standards

Goal 2 - Construction Plan Review: Develop and implement a comprehensive facility needs analysis program and review and comment on construction documents for construction projects.

Objective: Provide consultation and training for jail construction/operation. Strategy: Assist with facility need analysis and construction document review.

Goal 3 - Management Consultation: Review and approve jail operation plans, provide needed jail management training and consultation and perform objective jail staffing analyses.

Objective: Provide consultation and training for jail construction/operation Strategy: Assist with staffing analysis, operating plans and program development.

Goal 4 - Auditing Population and Costs: Collect, analyze and disseminate data concerning inmate population, felony backlog and jail operational costs.

Objective: Implement process to relieve crowding or ensure accurate compensation Strategy: Collect and analyze data concerning inmate population, backlogs and costs.

Through Chapters 499 and 511 of the *Government Code*, the Commission on Jail Standards is given the authority and responsibility to promulgate and enforce minimum standards for jail construction, equipment, maintenance, and operations. Texas Minimum Jail Standards are contained in Title 37, Part IX, and Chapters 251 – 301 of the Texas Administrative Code. Related duties and rules are set forth in Chapters 351 and 361 of the *Local Government Code*.

Most of our activities are oriented toward county functions; however, we retain the responsibility to regulate privately operated county and municipal facilities. Our principal operations include on-site inspections of jails to verify compliance with standards, review of proposed construction and renovation plans to assess conformity to standards, provision of jail management technical assistance and training, administration of inmate population reports and audits, resolution of inmate grievances, providing counties with objective staffing and facility needs analyses, and various other activities relating to policy development and enforcement.

Primary relationships exist with county judges, commissioners and sheriffs. Secondary relationships are maintained with architectural firms, private operators, criminal justice professional associations and regulatory agencies concerned with issues such as fire safety, legal matters, and civil liberties. Jail inmates awaiting trial, serving sentences, or awaiting transfer to the Texas Department of Criminal Justice Institutional Division, jail staff and the public are served by the enforcement of standards that are based on safety, security and sanitation.

While on-site inspections remain the most visible activity, awareness of our ability to provide technical assistance has increased due mostly to a strong effort to provide quality regional training and a greater emphasis on providing assistance by all staff, including the Inspectors.

Administrative staff provides internal administrative support to the agency, including human resources, accounting, budgeting, information technology, reporting and other staff services functions.

Anticipated Changes in Strategies

Though the mission of the agency has not changed, the passage of HB1545(87R) has required the agency to slightly modify portions of our strategies and goals in order to comply. The most drastic of these changes revolve around the migration from an annual inspection cycle to one that is risk-based. In addition, a focus on inmate complaints was evident in the Sunset Staff report which the agency is attempting to address.

Due to the lingering impact of COVID-19 and inflationary concerns, the agency is anticipating an increase in the number of non-compliant county jails. The environment in which these entities operate has been severely impacted and the current workforce is reluctant to consider a career in corrections at the salaries most counties offer. This is exacerbated by the slow pace that the court system has taken, including additional suspensions combined with reduced intake rates to the state prison system, both of which has increased the county jail population.

While the Commission does not anticipate significant change to the agency mission, we do anticipate significant change to our strategies, and/or goals over the next five years. The Commission is and will remain committed to providing high-quality service to county jails and ensure that counties are working to maintain safe, healthy and secure jails in their communities. With time, of course, adjustments are often necessary in the strategies used to meet these goals. The emphasis on information technology in the agency will be a major driver in the future of the Commission; however, a small yet dedicated workforce of professional and administrative personnel will continue to keep the agency on course toward achieving its goals and stated mission.

Current Workforce Profile

a) Skills

Every Commission employee is valuable to the success of agency operations. Each of the 23 employees has more than one critical function that supports the Commission on Jail Standards. Some of the critical skills required to complete our mission include customer service, auditing, communication, problem solving, accounting, project management, and information analysis.

b) Demographics

The following data reflect the current profile of the agency's workforce. The Commission's workforce is comprised of 47% male and 53% female. 3% are Asian, 17% are African American, 13% are Hispanic and 66% are Caucasian. The average age for the Agency staff is 48 and staff has an average of 4 years with the agency. The Agency's positions are as follows:

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Occupational Category	Headcount
Accounting, Auditing, and Finance	1
Administrative Support	1
Information Technology	1
Inspectors and Investigators	7
Other	1
Planning, Research, and Statistics	1
Program Management	10
Receptionist	1

(Source: State Auditor's Office/E-Class system)

c) Employee Turnover

In FY 2021, there were four separations from the agency, and two interagency transfers. The Agency has hired a new Assistant Director in FY21 and as of May 2021, the agency has four vacant positions available. The longest tenured employee has been with the agency for 24 years. Seven of the current staff members have been with the agency for less than 2 years.

d) Employee Attrition

Just over thirteen percent or three staff members of the Agency's employees will be eligible to retire within the next 5 years. Replacements of these positions may be difficult to find due to the loss of institutional knowledge, key positions, and the combination of numerous years of experience. When long-term experienced individuals vacate positions, it is our practice to fill those positions at a lower level until the individual gains experience in that position and then promote or provide merit increases. The issue of attrition is further addressed later in this report in section "IV Gap Analysis."

Future Workforce

e) Expected Workforce Changes

The Commission on Jail Standards will likely be affected by state-wide workforce factors driven by the changes exacerbated by COVID-19 and the impact inflation will have on being able to recruit and retain staff. Due to below market average salaries, the agency had put into place flex schedules to incentivize employment and retention. With the on-set of COVID-19, a work from home option was offered for office staff, an option that was already somewhat in place for field staff. These options are no longer viewed as options by existing and potential employees and instead demanded which creates a difficult balancing act. The issue and impact of inflation has placed a further strain on recruitment efforts as well. With rising fuel prices, employees that did not live in the Austin metro area and surrounding communities due to the absurdly high cost of housing now find it difficult to justify even two days of travel to the office and seek employment in closer proximity to their residence. Unless a concerted effort is undertaken and achieved to increase the salaries of our staff, we will continue to experience high turnover and loss of knowledge and capability.

f) Future Workforce Skills Needed

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Communication and interpersonal skills will continue to be critical, as the agency staff has daily contact with the public and with county officials. Computer skills are also vital, as the agency continues to upgrade information resources, dependent on available funding.

g) Number of Employees Needed

Currently the agency has four vacancies but this is misleading. The actual number of employees needed to effectively and efficiently carry out its assigned duties is easily double that. After the Sunset Review that resulted in HB1545, the agency has undertaken a review of how its FTEs are allocated and repurposed several to meet the most urgent demands. The largest shift has occurred in the Inspection & Enforcement Strategy which has been increased, specifically in the area of Complaint Investigation. Prior to HB1545, there was one FTE assigned, but the workload was overwhelming which was a major contributing factor to continuous turnover. This in turn led to an increased backlog as the agency would temporarily assign other staff until the position could be filled. Even after the position was filled, it is estimated that it required at a minimum, six months to become proficient in this task. The decision to reassign FTEs was only possible due to the conclusion of a statutorily mandated training program. Two of the three FTEs assigned to that program were shifted to complaints, but the workload has only continued to increase. To operate at a level that is acceptable to complainants, and counties who are required to respond then await a ruling, that section desperately needs a dedicated administrative support FTE and a first level supervisor to assign workloads and conduct preliminary review of complaints.

The number of deaths in custody has increased over the past two years as well. Based upon the current data, the length of time to complete a review of each of these has been lengthened primarily due to COVID-19. The Critical Incident inspector routinely works in excess of 60 hours per week in an effort to simply maintain the status quo in regards to the length of time required to manage this task. This is complicated by the responsibility to also review all escapes and serve as the point of contact for the monthly Serious Incident Report that is statutorily mandated.

In addition to this, the agency is moving towards a risk based inspection program which is envisioned to reduce the work load of the field inspectors and reduce the attrition we have experienced in that section. But even that appears to not being as viable as originally envisioned due to the requirement to conduct a random percentage of all re-inspections as full, comprehensive inspections as mandated by HB1545. Management is continuing to review this conflict but believes the demands outstrip the current resources.

The points made above do not even take into account the added duties associated with the agency being named by the Governor to the Border Security Task Force to advise and assist with Operation Lone Star. The agency requested three FTEs and the associated funding to carry out this new duty, but the funding appropriated was only a third of what had been requested. In order to ensure the agency was carrying out this function, several approaches have been utilized. The difficult period was before any additional resources were provided and the load was carried by the Executive Director and two other staff members. After HB9 was passed, the monies that we were provided were used to backfill the cost of any time that existing employees expended on Operation Lone Star rather than attempting to recruit and retain one FTE that possessed all of the required skills.

h) Critical Functions that must be performed

Performance of all agency functions is critical to achieving the agency's goals and objectives which are directly tied to statutorily mandated duties. The agency is not carrying out any function that is not directly related to our reason for being.

Gap Analysis

Anticipated Surplus or Shortage of Staffing Levels or Skills:

The agency has a concern that its ability to attract future employees and retain current employees who possess the needed skills may be impaired by a disparity in salaries between state employees and employees in private industry or other governmental entities. In addition to the disparity, the high cost of living in the Austin metro area makes it difficult to attract qualified individuals. This often results in the hiring of individuals that reside in excess of 30 miles from our headquarters in downtown Austin. This in turn results in excessive commutes that impact employee morale which is exacerbated by the complete lack of infrastructure planning and congested roadways that exemplify Austin. To mitigate the traffic and commute employment downside, the agency has begun a *"telecommute"* pilot program, to attempt to assist with retention. It is very difficult to attract quality professional candidates that possess the skill sets necessary to advance into management and leadership roles with current pay levels and the agency must explore other flexible benefits. The agency has a small and dedicated team of professionals, but an honest assessment of the challenges faced by management concerning vacancies that occur periodically, is necessary to retain them.

Over the past two years, the agency has lost key employees to Texas counties or to retirement. As a smaller agency, employees are exposed to multiple disciplines that makes them very attractive to other entities that can offer higher salaries. In addition, they are also able to offer them positions that allows them to focus on a single subject area and become experts in that area as part of their own professional development. Unless the agency is able to offer competitive salaries and other flexibility, this issue will only continue to grow and will determinately impact the agency's ability to carry out its mission and statutorily mandated duties.

Strategy Development

a) Retention Programs

Historically, the agency has supported its employees by rewarding merit increases to employees who perform above satisfactory levels and will also enter into retention bonus agreements with key personnel. Additionally, the agency continually strives to maintain a work environment that allows for flexibility, without compromising productivity. The agency had implemented an alternate work schedule to address the needs of employees in order to lessen the physical and financial burden of long-distance commutes to the office. Thirty five percent of the agency enrolled in this program prior to Covid-19 and all have been doing at least partial telecommuting since the pandemic began. The agency anticipates

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that telecommuting will assist in retaining valuable, qualified personnel.

However, even by utilizing this approach and even if additional FTEs are appropriated, there will continue to be turnover that is unacceptable unless salaries are raised to a level that is seen as competitive.

b) Recruitment Plans

To the fullest extent possible, the agency will strive to recruit the number of qualified individuals required to carry out the agency's mission, including all qualified persons of minority, disability, and/or the female gender.

c) Organizational Training, Employee and Career Development

The agency provides organizational training, including equal employment opportunity, sexual harassment, and procedural training. The transition to CAPPS HR will allow the agency to track employee training even more effectively. The agency utilizes cross training to enhance the knowledge and skill levels of all employees. The agency provides for the cost of training for its employees, when the training is in the best interest of the agency, and funding allows for the expense.

The agency transitioned September 1, 2019, to CAPPS Financials as part of the statewide mandate and is in the process (as of June, 2022) of transitioning to CAPPS Human Resources. The agency is managing the transition without additional resources.

d) Leadership Development

Cross training is essential in leadership development for a small agency. Division managers share their experience and knowledge with staff. The agency provides for leadership training for the professional staff, subject to budgetary constraints.

e) Succession Planning

All of the factors indicated for organizational training, employee, leadership and career development are essential in planning for succession. Additionally, the agency will maintain awareness of qualified sources outside of the agency.