

Texas Ethics Commission Fiscal Year 2011-15 Workforce Plan

I. Agency Overview

The Texas Ethics 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.

A. Business Functions

The Texas Ethics Commission has 37 authorized FTEs headed by an Executive Director who oversees five major divisions to accomplish the business functions and duties of the agency (See Appendix B, Organizational Chart). The Commission has both constitutional and statutory duties. Constitutionally, the Commission recommends 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 Filings. 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, and certain district and 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 an exemption. Since December 2004, lobbyists are required to file lobby reports electronically unless the filer qualifies for and claims an exemption. Campaign finance and lobby reports make up the majority of the reports filed electronically with the Commission. The other reports filed with the Commission are filed on paper. The Disclosure Filings Division (authorized 9 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.

Advisory Opinions and Education. The Commission has the authority to issue advisory opinions about the laws under its jurisdiction, as well as Chapter 36, Penal Code, which includes the laws relating to bribery and benefits to public servants, and Chapter 39, Penal Code, which includes the laws relating to the misuse of government resources. The Commission also provides 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

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an on-line ethics training program for state officers, members of the legislature, agency employees, and legislative branch employees. The Advisory Opinions/Education Division is authorized 3 FTEs, with two assigned to advisory opinions and one to the education program.

Enforcement. The Commission has the authority to enforce all laws under its jurisdiction except Chapters 36 and 39, 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 election 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 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 which 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. Both the Executive Director and members of the Commission have the authority to waive or reduce administrative penalties for reasons specified by rule. 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. The Enforcement Division (authorized 10 FTEs) handles all regulatory functions in addition to providing legal counsel to the agency on daily operational matters. The legal staff is also available to assist callers and visitors to the agency who have questions about any of the laws under the Commission's jurisdiction.

Administration. The Administration Division (authorized 7 FTEs, including the Executive Director) handles the business 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.

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B. Agency Mission

The mission of the Texas Ethics Commission as mandated in the state constitution is to promote public confidence in electoral and governmental processes by enforcing and administering applicable laws as well as training state officials, candidates for state office, and state employees on those laws governing standards of conduct, personal financial disclosure, lobby registration and activities, political contributions and expenditures, and political advertising.

C. Agency Strategic Goals and Objectives

GOAL 1: Information on Government. To increase the public's ability to access information about public officials, candidates for public office, and persons attempting to influence public officials and elections, 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 business days of receipt; to present advisory opinion requests to the Commission within 60 days; and to respond to sworn complaints within five business days after filing.

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

Strategy II: Advisory Opinions. Aid the public and those subject to the laws administered and enforced by the Commission in complying with and understanding those laws by responding quickly, accurately, and impartially to advisory opinion requests.

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

Objective: To reach state employees with educational materials and to fulfill requests for educational presentations.

Strategy: Ethics Education Program. To educate the public, state employees, local government employees, and those subject to the laws administered and enforced by the Commission by responding to requests for information about the application of ethics laws, by making public presentations, by prescribing clear reporting forms and guidelines, by making educational materials broadly

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available, and by recommending campaign finance and ethics law changes to the Legislature.

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: Indirect Administration. Provide the business and information technology functions of the agency. Develop and implement a plan for increasing the use of historically underutilized businesses through purchasing contracts and subcontracts.

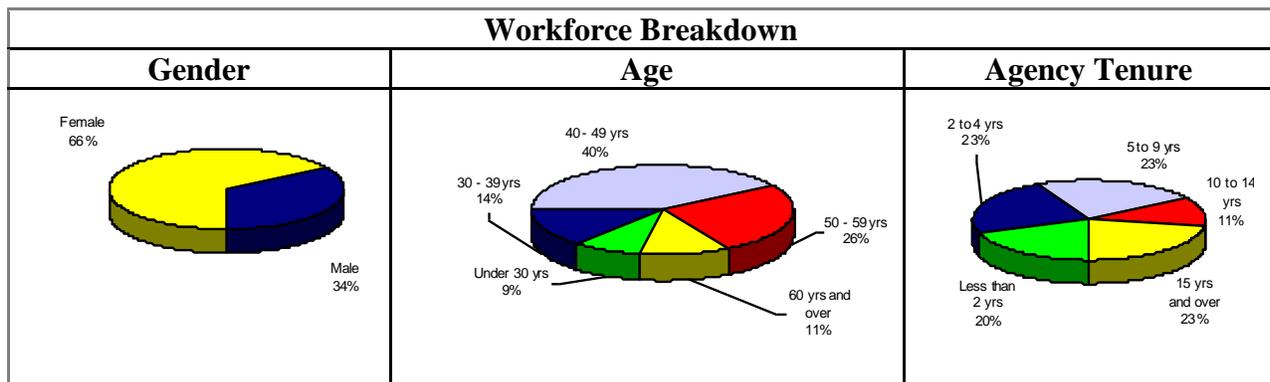
D. Anticipated Changes to Mission, Goals, and Strategies over the Next Five Years

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

II. Current Workforce Profile (Supply Analysis)

A. Demographic Information

The following chart profiles the Texas Ethics Commission’s total workforce as of June 1, 2010. The Commission’s workforce is comprised of 65.7 percent females and 34.3 percent males. Over 77 percent of our employees are over the age of 40. More than 42 percent of employees have less than five years of agency service. This percentage indicates the need for continuing strong training programs to ensure our employees get up to speed as quickly as possible.



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The following table compares the percentage of African American, Hispanic, and Female Commission employees (as of June 1, 2010) to the State Agencies Workforce Composition as reported by the Texas Workforce Commission Civil Rights Division. The Commission has been working to meet various diversity targets, among which are Hispanic and Female positions. In these two categories, the agency has exceeded the total state agencies workforce statistics.

There are several categories of under-represented classes that the Commission should address: particularly African Americans in Administration Officials and Technical positions; Hispanics in Technical positions; and females in Professional and Technical positions. Through its recruitment plan, the Commission will continue to strive to maximize the number of qualified minority, disabled, and female applicants for available positions within all job categories.

Workforce Breakdown by Under-Represented Class						
Job Category	African American		Hispanic American		Females	
	TEC %	State %	TEC %	State %	TEC %	State %
Officials, Administration	0%	9.1%	33.3%	12.8%	66.7%	49.3%
Professional	16.7%	11.3%	22.2%	14.9%	44.4%	55.1%
Technical	0%	15.3%	0%	20.7%	33.3%	52.1%
Administrative Support	12.5%	19.5%	37.5%	27.5%	81.3%	88.1%
Skilled Craft	0%	7.9%	0%	24.4%	0%	4.5%
Service and Maintenance	0%	30.1%	0%	24.7%	0%	52.7%
Total	8.6%	17.5%	28.6%	19.8%	65.7%	56.4%

B. Agency Turnover

Turnover is an important issue in any organization, and the Texas Ethics Commission is no exception. The following charts show the Commission's turnover rate compared to the state percentages, as well as a breakdown of the turnover data according to the length of agency service and age of the separating employees.

Turnover Rates: Over the past five years, the Commission's turnover rate has averaged 14.9% which is slightly below the statewide five year average of 16.4%. Of the 8 employees who terminated in the past two fiscal years, 62.5% did not transfer directly to another state agency, thus the Commission paid their accrued vacation leave totaling \$23,621.

Year	TEC %	State %
Fiscal Year 2005	18.4%	16.9%
Fiscal Year 2006	5.8%	15.8%
Fiscal Year 2007	26.2%	17.4%
Fiscal Year 2008	9.1%	17.3%
Fiscal Year 2009	14.8%	14.4%

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Length of Service: The greatest area of turnover for the Commission has been with employees who have less than four years of experience. This group accounted for 63.2% of the turnover over the past four years.

Agency Service Before Separation	Number of Terminations				Overall %
	FY2006	FY2007	FY2008	FY2009	
Less than 2 years	0	4	1	1	31.6%
2-4 years	2	2	1	1	31.6%
5-9 years	0	1	0	2	15.8%
10-14 years	0	2	1	1	21.0%
15 years and over	0	0	0	0	0.0 %

Age: Over the last four years, the largest age group of employees to leave the Commission has been in the 50 and over year group. The majority of these positions were either professional or technical with the individuals seeking greater career opportunities.

Age of Employee Upon Separation	Number of Terminations				Overall %
	FY2006	FY2007	FY2008	FY2009	
Under 30 years	0	1	0	0	5.3%
30-39 years	2	2	1	0	26.3%
40-49 years	0	3	0	2	26.3%
50 years and over	0	3	2	3	42.1%

C. Retirement Eligibility and Employee Attrition Rate Over the Next Five Years

Four of the Commission's current employees are now eligible for retirement and three more will become eligible within the next five years. This represents 20.0% of the total workforce, with many of these employees occupying key positions within the agency. For this reason, it is important for the Commission to ensure that this organizational knowledge and expertise is not lost. Based on past turnover trends, the projected attrition rate will be a loss of four employees per fiscal year, of which at least one to two of those will be a retiree.

D. Workforce Skills Critical to Agency Mission and Goals

The Texas Ethics Commission is fortunate to have a staff that ranges broadly in training and experience. It is necessary in a small agency to have a staff that is diverse in skills because often employees are asked to perform more than one job function. There are several critical skills that are important to the Commission's ability to operate. Without the skills listed below, the Commission could not provide basic business functions to accomplish its strategic mission and goals:

- Customer service

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- 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

III. Future Workforce Profile (Demand Analysis)

A. 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 administered 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.

B. Expected Workforce Changes

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

Legislative Changes: The passage during the 76th Legislature of HB 2611, which requires certain filers to submit their campaign finance reports electronically, continues to have a major impact on the Commission. Passage of HB 1606 in the 78th Legislature changed and broadened the scope of electronic filing and it is anticipated that the demands associated with the electronic submission, storage, and retrieval of information will continue to increase.

Currently, there are 8,292 filers with the Commission. Candidates and officeholders numbering 1,277 individuals and 2,276 political committees file campaign finance reports

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with the Commission, most of which are required by law to be filed electronically. The 1,439 lobbyists currently registered with the Commission who file lobby registration and activities reports are also required to file electronically. The approximately 3,300 state officers who file personal financial statements continue to file on paper at this time. There are 4,441 local filing authorities that the Commission communicates with, but are not counted as filers. If future legislation is passed requiring more filers to file reports using an electronic format, the Commission could be required to develop new software and make enhancements to existing systems. This would most likely require a reorganization of the computer services staff to handle the increased programming workload. Additional technical training would also be needed to ensure that the staff has the knowledge and skills necessary to perform additional duties.

B. Future Workforce Skills Needed

Over the next five years, the Texas Ethics Commission will be able to fulfill its mission and strategies and continue to function effectively and efficiently by maintaining the critical workforce skills listed earlier. If some of the legislative and technological changes occur, the Commission could require an increase in computer skills such as web design and programming.

C. Anticipated Increase/Decrease in the Number of Employees Needed

None. However, if future legislation broadens the scope of electronic filing, the increased workload would most likely require an increase in FTEs. Another issue that affects the Commission's workforce is the volume of sworn complaints. Current staff levels are deemed sufficient for the current and next biennium to handle the number of sworn complaints filed with the Commission.

IV. Gap Analysis

A. Anticipated Surplus/Shortage of Employees

After analyzing the workforce information, the Texas Ethics Commission has determined that the agency has a sufficient number of employees to accomplish the agency's current mission, goals, and strategies. However, if legislation is enacted that further expands the electronic filing requirements or if the volume of sworn complaint filings increases, the Commission may require an increase in FTEs.

B. Anticipated Surplus/Shortage of Skills

The Texas Ethics 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

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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		
	Have	Need	Gap	Have	Need	Gap	Have	Need	Gap	Have	Need	Gap
Customer Service	3	3	0	3	3	0	3	3	0	3	3	0
Collaboration	3	3	0	3	3	0	3	3	0	3	3	0
Interpreting Statutes	3	3	0	3	3	0	1	1	0	2	2	0
Conducting Investigations	3	3	0	3	3	0	0	0	0	1	1	0
Processing Data Files	1	1	0	1	1	0	3	3	0	2	2	0
Develop/Maintain Database	1	1	0	0	0	0	3	3	0	0	0	0
Training	2	2	0	3	3	0	2	2	0	2	2	0
Designing Materials	0	0	0	3	3	0	3	3	0	2	2	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

3 = Problem gap

V. Strategy Development

A. Specific Goals to Address Workforce Competency Gap/Surplus

The Texas Ethics Commission has determined that there are no anticipated gaps or surpluses in workforce numbers or skills for the next five years. However, the Commission will continue to monitor its current workforce and adapt, as needed, to handle 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 its recruitment plan to maximize the number of qualified minority, disabled, and female applicants for available positions within all job categories.

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- When new employees are hired, the Commission will ensure that they are trained quickly and adequately so that they get up to speed as quickly as possible.
- The Commission will work to keep 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, 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 business processes and procedures and cross-train employees to ensure that organizational knowledge is retained.