Appendix E: Workforce Plan

Office of the Attorney General • Fiscal Years 2013-2017

I. AGENCY OVERVIEW

The Attorney General is designated by the Texas Constitution as the state's legal counsel in court. In addition, Texas law contains approximately 2,000 references to the Attorney General. The law provides the Attorney General with civil and criminal enforcement authority in a number of specific areas. The OAG provides high quality legal representation, counseling, and assistance as legal counsel to more than 300 boards, agencies, and institutions of state government. Twenty-six percent (1093) of the OAG's authorized full time equivalents (FTEs) work within the Legal Services Strategy. Most of this staff is located in Austin; however, six regional consumer protection offices are located in Dallas, San Antonio, El Paso, Houston, and McAllen. The Texas Family Code designates the OAG as the state agency tasked with administering Texas' federally mandated child support enforcement services program under Title IV-D of the Social Security Act. The Child Support Services Strategy represents the largest percentage of OAG employees, with approximately 65% (2733) of the OAG's current authorized FTEs. The OAG provides child support services across the state through 64 field offices, plus nine regional administrative offices and nine regional customer service centers.

The Attorney General is also assigned the responsibility for administering the Crime Victims' Compensation Program. Three percent (115) of the OAG's current authorized FTEs provide direct services and assistance to victims of violent crimes and various organizations through the Crime Victims' Compensation and the Victims Assistance Strategies. This staff is primarily located in Austin, with staff also housed in San Antonio, Dallas, El Paso, and Houston.

The OAG's Medicaid Investigation Strategy is carried out by the state's Medicaid Fraud Control Unit (MFCU) mandated by federal regulation (42 C.F.R. § 1007.11). With 5% (206) of the OAG's current authorized FTEs, this strategy serves as a deterrent to criminal fraud and other criminal activity in the State Medicaid Program by investigating and prosecuting a wide variety of Medicaid providers throughout Texas that receive payments under the State Medicaid Program. Investigations of Medicaid patient abuse and criminal neglect are also conducted. The MFCU staff is located in Austin with eight field offices operating in Dallas, Houston, Lubbock, Tyler, El Paso, San Antonio, Corpus Christi, and McAllen.

The Legislature does not identify a separate strategy for agency-wide administrative functions within the OAG, such as accounting, internal audit, budgeting, procurement, support services, human resources, and information technology support. The OAG is required to allocate administrative staff and costs to each of its strategies based on the OAG's federally approved Indirect Cost Plan.

A separate strategy is identified for the OAG to provide administrative support for the State Office of Risk Management (SORM) as required by the Texas Labor Code. Authorized FTEs for each strategy described above, including administrative support for SORM, include staff who perform agency-wide administrative support functions.
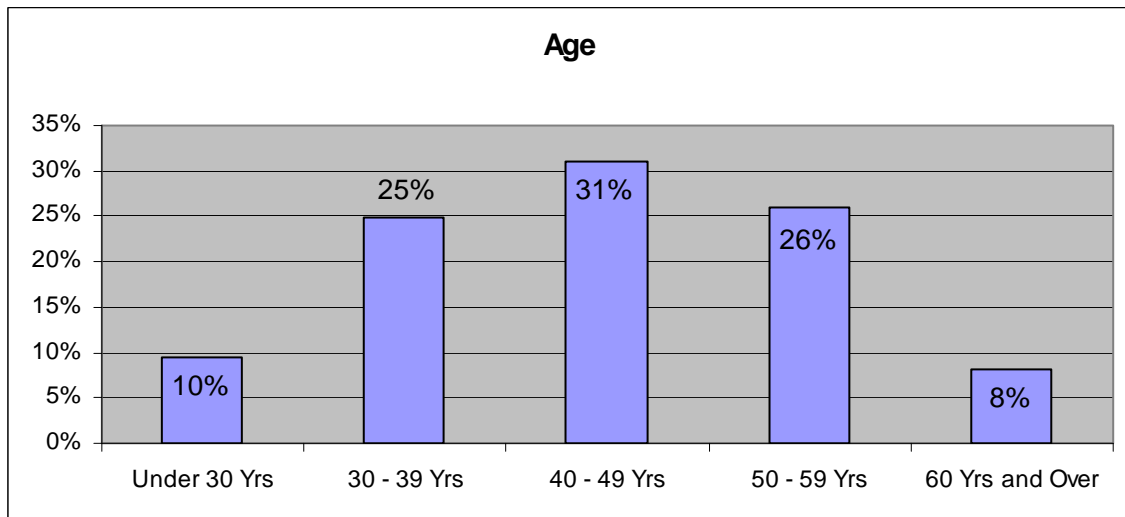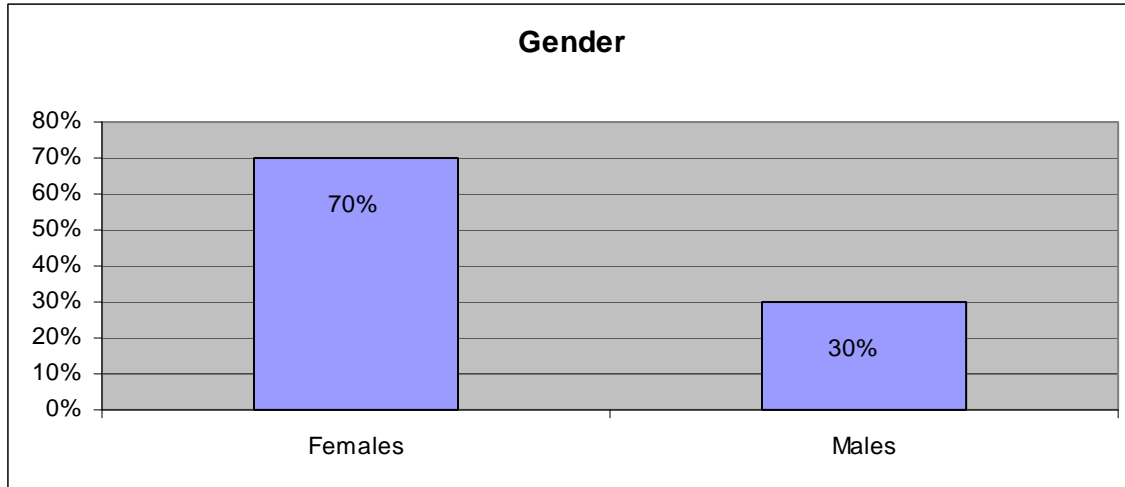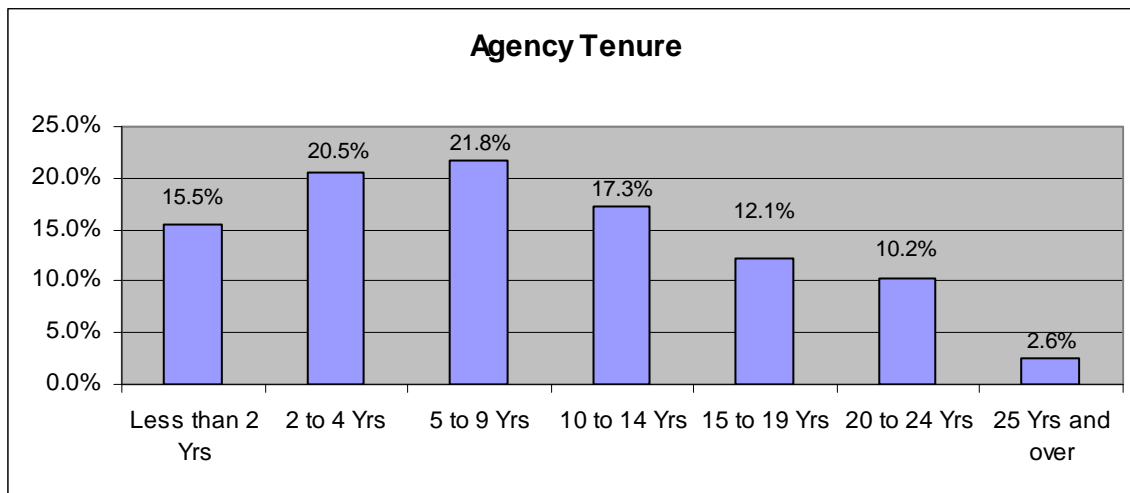
A. Goals and Objectives

Goal 1	Provide Legal Services
Objective	To provide skillful and high quality legal representation, counseling, and assistance for the State of Texas and its authorized entities and employees in the lawful performance of their duties. [Texas Constitution Article 4 § 22]
Goal 2	Enforce Child Support Law
Objective	To enforce aggressively and fairly both state and federal child support laws and regulations. [42 U.S.C. § 651, et seq.; Texas Family Code, Title 5]
Goal 3	Assist Crime Victims with Services
Objective	To provide services and information to victims of crime in a caring, sensitive, and efficient manner. [Texas Code of Criminal Procedure, Chapter 56; Texas Government Code, Chapter 420; Texas Family Code, Chapter 264, Subchapters E and G]
Goal 4	Investigate and Prosecute Medicaid Crimes
Objective	To provide an environment free of fraud, physical abuse, and criminal neglect for Medicaid recipients and the Medicaid Program. [42 C.F.R. § 1007.11]
Goal 5	Provide Administrative Support for SORM
Objective	Provide administrative support for the State Office of Risk Management in administering state employees workers' compensation program. [Texas Labor Code, § 412.0111]
Goal 6	Increase the Use of Historically Underutilized Businesses
Objective	To carry out policies governing procurements that foster meaningful and substantive inclusion of historically underutilized businesses. [Texas Government Code, Title 10, Subtitle D, § 2161.181]

B.   Current Workforce Profile

Workforce Demographics

The following charts are profiles of the agency's workforce as of March 1, 2012. The charts include full-time and part-time employees. The OAG workforce is 30% male and 70% female. Sixty-five percent of OAG employees are over the age of 40. Thirty-six percent of the employees have less than five years of state service. Thirty-nine percent have between five to 14 years of state service, and 25% have over 15 years of state service.

Gender

	Females	Males
	70%	30%

Age

Under 30 Yrs	30 - 39 Yrs	40 - 49 Yrs	50 - 59 Yrs	60 Yrs and Over
10%	25%	31%	26%	8%

Agency Tenure

Tenure	Percentage
Less than 2 Yrs	15.5%
2 to 4 Yrs	20.5%
5 to 9 Yrs	21.8%
10 to 14 Yrs	17.3%
15 to 19 Yrs	12.1%
20 to 24 Yrs	10.2%
25 Yrs and over	2.6%

The following table compares the percentage of African-American, Hispanic, and female OAG employees (as of March 1, 2012) to the statewide civilian workforce as reported by the Civil Rights Division of the Texas Workforce Commission. In half of the categories, the agency's percentages are higher than the statewide workforce levels.

| Job Category	African American		Hispanic		Female	
	OAG %	State %	OAG %	State %	OAG %	State %
Officials, Administration	8.0%	9.0%	21.0%	23.7%	51.0%	38.8%
Professional	8.0%	11.7%	20.0%	19.9%	51.0%	54.5%
Technical	7.0%	17.0%	29.0%	27.0%	37.0%	55.6%
Administrative Support	16.0%	13.2%	45.0%	31.9%	86.0%	66.2%
Skilled Craft	25.0%	5.1%	25.0%	46.9%	0.0%	5.1%
Service and Maintenance *	21.0%	12.8%	40.0%	44.8%	83.0%	39.7%
* Per directive from the Texas Workforce Commission-Civil Rights Division, "Protective Services" and "Para-Professionals" categories are combined with the "Service and Maintenance" category.						

The demographics of the OAG workforce are statistically representative of the Texas labor pool. There are only two job categories that reflect significant under-representation. Categories with under-representation are Female Technical, Hispanic Service and Maintenance, and African-American Technical. The under-representation of Hispanic Officials and Administrators, African-American Officials, African-American Professional, and Female Professional are all considered minimal. Because the OAG has only five positions in Skilled Craft, this category is not statistically significant.

The Protective Services and Para-Professionals categories are combined with the Service and Maintenance category consistent with directives from the Texas Workforce Commission, Civil Rights Division.

C.   Employee Turnover

The turnover rate for the OAG is generally consistent with or below the turnover rate for state government. A comparison of the OAG turnover rate to state government for FY 2007 through FY 2011 is below.
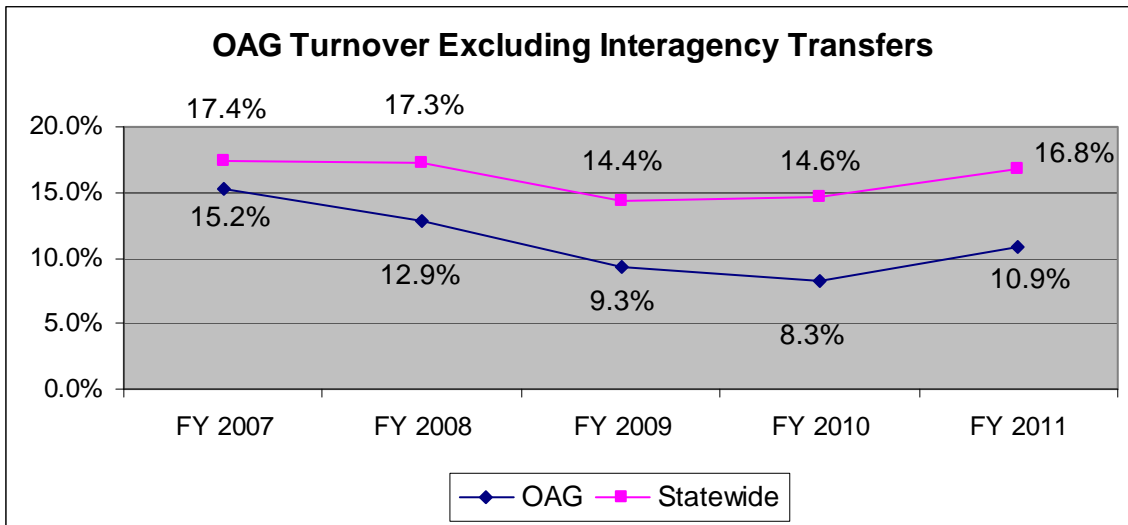
OAG Turnover Excluding Interagency Transfers

Source: State Auditor's Office Turnover Data for Agency 302 - Office of the Attorney General, Article 01 - General Government.

OAG Turnover Including Interagency Transfers
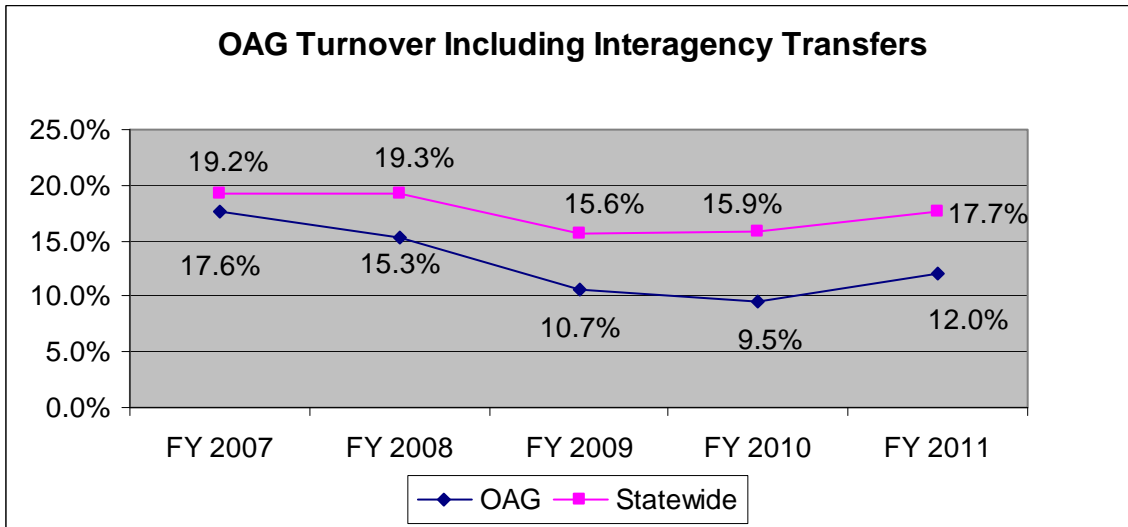
Source: State Auditor's Office Turnover Data for Agency 302 - Office of the Attorney General, Article 01 - General Government.

D.   Potential Retirement Eligibility Impact

An analysis of the OAG staff tenure and leave records indicates that 278 staff members, or approximately 7% of the agency's workforce, currently are or will become eligible to retire during FY 2012 under the state's "Rule of Eighty" criteria.[1] As Table A indicates, the OAG's Crime Victim Services Division has 5%, the Medicaid Fraud Control Unit has 6%, and the Legal Services Divisions have a 9% potential exposure loss of staff due to employees in those

---

[1]These estimates are based on the number of staff on the OAG's payroll as of March 1, 2012. The estimates are conservative, since they do not include staff who may be eligible to retire as a result of reaching the age of sixty with ten years of service. These estimates also exclude staff with un-purchased prior state service or military time or purchases of optional service time. The 81 rehired state retirees in the OAG's employ as of the end of March 2012 are also excluded from the annual estimates of retirement-eligible staff. Rehired state retirees, however, are included in the total count of agency employees as of March 1, 2012.

strategies reaching retirement eligibility by the end of FY 2012.

Between FY 2012 and FY 2017, approximately 23% (922 employees) of the OAG's staff are anticipated to become eligible for retirement under the "Rule of Eighty." Child Support Enforcement with 599 eligible employees (23%) and the Legal Services Divisions with 273 eligible employees (24%) are at the highest risk of losing employees to retirement during this period.

Table B shows the estimated number of agency staff by selected classified position series who will reach retirement eligibility during the FY 2012 through FY 2017 period. Approximately 50% and 39% of the agency's directors and managers, respectively, are projected to reach retirement eligibility during this period. Twenty-five percent of the agency's administrative assistants are projected to reach retirement eligibility during this same time.

The OAG, on a limited basis, utilizes rehired state retirees to fulfill mission-critical job functions. Approximately 2% of OAG employees fall into this category. Table C shows the number and percentage of rehired retirees employed by the agency according to strategy area as of March 1, 2012.

TABLE A

Strategy Area	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	Total Eligible	Total Staff by Area[1]	% Eligible in FY2012	% Eligible Between FY2012 & FY2017
Number of OAG Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Child Support	161	65	87	87	98	101	599	2,653	6%	23%
Crime Victim Services	6	1	2	5	2	4	20	119	5%	17%
Legal Services[2]	100	20	30	45	32	46	273	1,123	9%	24%
Medicaid Fraud Control	11	3	3	4	4	5	30	173	6%	17%
Agency Total	**278**	**89**	**122**	**141**	**136**	**156**	**922**	**4,068**	**7%**	**23%**

[1]Count is of filled positions as of 3/01/12, includes rehired retirees; excludes vacant positions.

[2]Includes Executive Management and Administrative Division Staff.

TABLE B

Strategy Area	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	Total Eligible	Total Employees by Classification Series[1]	% Eligible in FY2012	% Eligible Between FY2012 & FY2017
Number of OAG Employees By Selected Classification Series Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Administrative Assistants	19	7	8	10	7	15	66	262	7%	25%
Assistant Attorneys General	60	16	19	27	14	16	152	712	8%	21%
Child Support Officers	54	29	41	38	42	41	245	1,252	4%	20%
Child Support Technicians	15	7	3	3	7	9	44	360	4%	12%
Directors[2]	14	0	4	5	5	6	34	68	21%	50%
Investigators	13	0	3	5	8	9	38	241	5%	16%
Legal Assistants	6	0	5	4	2	2	19	88	7%	22%
Legal Secretaries	4	2	4	1	0	8	19	86	5%	22%
Managers	16	1	3	4	7	7	38	124	13%	31%

[1]Count is of filled positions as of 3/01/12, includes rehired retirees; excludes vacant positions.

[2]Excludes all Director V positions defined for this analysis to be non-career positions.

TABLE C

Rehired Retiree State Employees as a Percentage of OAG Workforce as of 3/01/12			
OAG Strategy	**Total Employees as of 3/01/12**	**# of Rehired State Retirees**	**State Retiree Rehires as % of Total Employees**
Child Support	2,653	35	1.3%
Crime Victim Services	119	1	0.8%
Legal Services	1,123	34	3.0%
Medicaid Fraud Control	173	11	6.3%
Agency Total	**4,068**	**81**	**2.0%**

E.   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. The Texas Government Code, moreover, allows state agencies to spend public funds for education and training programs. Accordingly, the OAG provides the following education and training programs for its employees in order to comply with state law, increase competency of agency employees, and promote the effective administration of the agency:

- Mandatory Training consisting of Discrimination and Harassment Awareness; Fraud, Waste, and Abuse Prevention Program; Open Records; and Information Technology Security
- Continuing Legal Education
- Peace Officer Education
- Employee Development

Starting September 1, 2012, the OAG will be requiring a mandatory course in protected health information pursuant to Texas Health and Safety Code, Chapter 181. The Child Support Division has a training section dedicated to providing child support training to approximately 2,600 employees.

F.   Recruitment

The purpose of recruitment is to attract outstanding individuals from a variety of academic disciplines who have an interest in and commitment to state government. The OAG has ongoing programs that serve to enhance recruitment of employees:

- Law Clerk Program
- Volunteer/Intern Program
- Child Support Outreach and Volunteer Programs

The **Law Clerk Program** selects law clerks based on factors such as grades, writing ability, previous legal experience, and genuine interest in public service 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 and write legal memoranda.

Recruiting includes participating in on-campus interviews at Texas law schools, attending public service career events, and accepting applications from students throughout the country.

The **Volunteer/Intern Program (VIP)** provides realistic training situations that allow volunteers and interns valuable hands-on experience. Recruiting for the VIP includes attendance at job and internship fairs, public presentations at colleges and universities, referrals, and dissemination of information to various career-services offices. Additional recruiting efforts include word-of-mouth and direct referrals from the divisions.

The **Outreach and Volunteer Programs** provide community outreach and recruit volunteers and interns to work in child support offices. Volunteers and interns assist full-time staff with invaluable support and, in return, they gain experience and marketable skills. By promoting available volunteer opportunities, the Child Support Division hopes to attract people who are interested in continuing service with the agency, transitioning from voluntary work to full-time employment.

G.   Retention

To increase retention the OAG provides the following programs:

Payment of Professional Certifications and License Fees
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.

Alternative Work Schedules
Pursuant to OAG policy, employees may work hours other than core business hours.

Telecommuting
The OAG has a telecommuting program for eligible personnel. The program allows approved employees to telecommute on an ad-hoc basis, medical-leave basis, and on an extended-schedule basis.

Performance Leave
Employees can receive performance leave for outstanding performance.

Education and Training
The OAG provides education and training programs to transfer instructional knowledge and expertise.

Wellness Program
The Wellness Program is designed to increase the general level of health and fitness of OAG employees through programs that encourage participation in physical activities and provide information about wellness.

H.   Succession Planning

Although the agency does not have a formally designated succession-planning program, the OAG utilizes a variety of practices and procedures that collectively contributes to the continuity of competent personnel in critical positions.

Administrative and Legal Divisions
The OAG uses the informal designation of successors through pay raises and promotions, training opportunities, and job assignments to recognize and retain future leaders. As vacancies occur in divisions, these individuals are available to become managers or supervisors.

Child Support Division
Field offices are the major training grounds for regional administrators and senior regional attorneys. Most of the division's regional administrators are former office managers, while most of the senior regional attorneys are former managing assistant attorneys general. Many of the office managers are former field unit supervisors or very experienced child support officers, while many of the managing assistant attorneys general are former staff assistant attorneys general. Both field and regional offices frequently provide the experience to advance to Child Support Headquarters positions. Although the most qualified applicant for the division's managerial positions sometimes comes from outside the organization, internal candidates fill the majority of these job openings.

Mentoring and Management Development Program
The agency instituted the Mentoring and Management Program to ensure continuity in key or critical task positions within the Child Support Division. In operation since FY 2005, this program has increased the pool of skilled and motivated staff from which to draw suitable replacements. Participants in the mentoring program receive tailored training and specialized instruction and guidance from an experienced staff mentor. Approximately 15% of all Child Support Division staff currently participate in this program.

II.   WORKFORCE STRATEGY - LEGAL SERVICES

A. Legal Services Divisions Overview

Strategic Goals and Objectives

Goal:	Provide legal counsel and representation to over 300 state boards, agencies and institutions.
Objectives	The divisions' strategic goals and objectives for the next five years are to provide high-quality legal services to its client agencies while staying abreast of current technologies and changes in the law.

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

No significant changes are anticipated.

B.   Current Workforce Profile (Supply Analysis)

Critical Workforce Skills

Assistant attorneys general (AAGs), legal assistants and legal secretaries compose the critical workforce of the Legal Services Divisions; all require varying levels of the following skills:

- Legal analysis
- Legal research and writing
- Sophisticated oral and written communication abilities
- Specific knowledge of statutory law, case law and common law
- Proficiency in word processing, spreadsheet and database software programs
- Proficiency in online legal and non-legal research
- Drafting pleadings and briefs
- Negotiating on behalf of clients
- Effective oral and written advocacy skills

These skills will continue to be essential, with technology-driven skills and e-courtroom presentations becoming increasingly more important. Turnover of resources in all three components of the critical workforce continues to be a challenge at the agency.

From FY 2010 to FY 2011:
- The turnover rate for Assistant Attorneys General in Legal Services Divisions increased from 5.7% to 12.9%
- The turnover rate for Legal Assistants increased from 5.2% to 8.9%
- The turnover rate for Legal Secretaries decreased from 17.4% to 14.0%

While the agency continues to provide excellent training, responsibility and experience to its legal staff, oftentimes it still cannot match salaries offered by other government agencies or the private sector. OAG employees can earn significantly more by moving to another state agency or a city, county, or federal government agency. While agency employees report a high level of job satisfaction, they cannot ignore the rising costs of living in most areas of the state.

C.   Future Workforce Profile (Demand Analysis)

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workloads and/or work processes

The Legislature often creates additional duties and responsibilities for the OAG, but its essential mission and strategies will not change significantly. However, the demand on OAG resources continues to be impacted by the growing volume of public information requests. The Open Records Division's (ORD) workload has dramatically increased in recent years. While the agency issued only 4,799 letter rulings in 2000, ORD issued 19,000 letter rulings in FY 2011. This volume increase requires executive management to continually assess the number of AAGs assigned to devote to this statutory duty. In May 2012, ORD launched an electronic filing system that will allow governmental bodies and interested third parties to submit information for consideration in the open records ruling process to the OAG through an online portal, which will further increase the efficiency of ORD in issuing open records letter rulings.

In addition, additional resources may be needed due to the increase in cases handled by the Environmental and Protection Division (EPD). EPD prosecutes and defends cases in state and federal courts and in administrative proceedings, at both the trial and appellate levels. These cases involve a wide variety of issues, including those pertaining to environmental quality,

energy, public utilities, water development, public lands, parks and wildlife, and colonias prevention. In addition EPD files petitions for review of actions by the U.S. Environmental Protection Agency (EPA) that affect Texas' environmental policies and programs.

Some of the most common EPD civil enforcement actions are:
- Safe drinking water enforcement involving public water supply systems under Chapter 341 of the Texas Health and Safety Code (on behalf of TCEQ);
- Municipal and industrial solid waste enforcement, including hazardous waste, under the Texas Solid Waste Disposal Act (TCEQ);
- Air quality enforcement under the Texas Clean Air Act (TCEQ);
- Water quality enforcement under Chapter 26 of the Texas Water Code (TCEQ);
- Enforcement of on-site sewage facility requirements under Chapters 341 and 366 of the Texas Health and Safety Code (TCEQ);
- Natural resource damage recovery involving fish and wildlife (TPWD);
- Natural resource damage recovery on behalf of state trustees in cooperation with federal trustees (TPWD, TCEQ, GLO);
- Radiation control enforcement under Chapter 401 of the Texas Health and Safety Code (DSHS); and
- Representing the state's interests in several types of enforcement cases brought by or against local governments where, by statute, the state is a necessary and indispensable party to the litigation.

The Law Enforcement Defense Division (LEDD) continues to deal with an increasing caseload defending dozens of Texas law enforcement agencies and their employees in complex civil actions alleging – among many other causes of action – violations of the Fourth and Eighth Amendments and related statutory rights, tort claims, and employment claims under federal and state statutes in both federal and state courts.

LEDD's largest client agency is the Texas Department of Criminal Justice, which – with more than 40,000 security and non-security staff operating more than 100 prisons, state jails, and other facilities housing more than 150,000 felony inmates – is among the largest public employers in Texas, with correspondingly large and increasing legal needs. From 2010 to 2011, new filings in TDCJ cases increased 54% (from 144 to 263), and is on track to exceed that rate in 2012. In addition, LEDD represents both the Texas Board of Pardons and Paroles – which makes parole decisions – and TDCJ's Parole Division – which provides day-to-day supervision of more than 77,000 parolees. While LEDD has previously handled some cases from the 121 Community Supervision and Corrections Departments (adult probation), in March 2012, LEDD agreed to handle all litigation from the probation departments

The division with the broadest portfolio of work is the General Litigation Division (GLD), which defends state agencies and officials in a variety of lawsuits, including civil rights claims, employment litigation, whistleblower claims, discrimination suits, constitutional claims, as well as health care and education litigation.

The workload of the division has been affected by entitlement funding changes at the federal level, which have increased multi-plaintiff lawsuits challenging the adequacy of the state's provision of medical services. Additionally, the division is handling an increasing number of cases challenging the constitutionality of various state statutes as well as institutional reform

cases involving the state's foster care system, the state's system for assessing and providing services to develop mentally disabled adults in nursing homes, as well as four law suits challenging the constitutionality of the state's school finance system.

Future workforce skills needed
Increased reliance upon computer-based technologies will require a highly-educated and trained legal workforce. Mandatory E-filing requirements are also becoming commonplace in many state and federal courts. Oral and written communication skills, critical thinking, and familiarity with legal terms and concepts will remain top priorities.

Anticipated increase or decrease in the number of employees needed to do the work
The OAG does not anticipate a need to request an increase or decrease of the current number of employees needed to complete its constitutional and statutory obligations. However, if the agency is compelled to reduce its workforce significantly during the 83rd Legislative Session, it will be difficult to maintain the current level of high-quality, efficient and effective legal counsel.

D.   Gap Analysis

Anticipated surplus or shortage of employees
No surplus of employees in the Legal Services Strategy is anticipated.

Anticipated surplus or shortage of skills
To cultivate an educated, skilled workforce within the agency, the training programs offered to both attorneys and legal staff must be continued. This can be achieved by continuing our Legal Education Committee and other services currently provided. Management should ensure that the internal workforce is well-trained in order to foster professional growth and increase tenure with the agency.

E. Strategy Development

Gap	Change in Administration
Goal	Plan for continuity
Rationale	Because the Attorney General is an elected official, there is potential for significant organizational and leadership change every four years.
Action Steps	• Identify the core practice areas among the legal divisions. • Ensure that the agency's business continuity plan addresses any organizational change.

Gap	Need for long-term plan for career and leadership development among legal staff.
Goal	Maintain career and leadership opportunities for legal staff.
Rationale	Continued professional development for legal positions would ensure a long term commitment to the agency.
Action Steps	• Cultivate an educated, skilled workforce within the agency by strengthening the training programs offered to the legal staff. • Implement professional development programs designed specifically for legal secretaries and legal assistants. • Identify employees who possess management and administrative potential.

Gap	Need to improve technology and legal workplace skills.
Goal	Continue to develop computer, staff, and litigation training programs
Rationale	Continue to develop technology and expand programs to keep pace with technology.
Action Steps	• Focus on technology training for staff. • Continue to explore and offer programs that assist in litigation efforts. • Train employees on technology tools available.

III. WORKFORCE STRATEGY - CHILD SUPPORT SERVICES

A. Child Support Services Overview

Strategic Goals and Strategies

Goal	To enforce aggressively and fairly both state and federal child support laws and regulations
Objective	• Collect court-ordered child support through the use of administrative actions and all available legal actions allowed by state and federal laws and regulations. • Operate a federally-mandated state disbursement unit.

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

No changes are expected.

B. Current Workforce Profile (Supply Analysis)

The child support program has 2,670.9 authorized full-time equivalents (FTEs); approximately 80% are employed in field offices and 20% in the Austin State Office. Field office staff provide direct services for more than 1.3 million child support cases, including collection and disbursement of child support, establishment of paternity and court orders for support payments, and enforcement of child support and medical support orders. State Office includes some staff who provide direct services, including customer inquiries, interstate case work, specialized enforcement services, and legal and appellate work. Other State Office staff services include administrative and support functions, contract and grant oversight, technology system support, planning, policy development, and training.

Critical Workforce Skills

The Child Support Division (CSD) relies upon a highly-skilled workforce in a variety of program disciplines to carry out its mission. Developing and maintaining a professional workforce with skills to meet business objectives and goals is critical. Essential workforce skills include:

- Child support program knowledge and specialized skills (e.g., financial analysis, international case processing, and state parent locate services)
- Legal skills and coordination and management of court cases
- Leadership, management and supervisory competencies
- Knowledge of applicable federal and state laws and regulations
- Contract, grant, and project management skills
- Capacity to manage high volume casework in a rapidly changing environment
- Customer service and complaint resolution skills
- Emerging information technology skills and expertise in legacy systems
- Programming and data entry skills within the current legacy systems
- Web and database development and maintenance experience

C. Future Workforce Profile (Demand Analysis)

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workloads, and/or work progress

While the CSD mission is expected to remain constant, changing demographics, caseload characteristics, and business process needs will impact division operations.

Demographics

Changes in population and job markets will affect caseload volume, types of cases, and the payment of child support. The Office of the State Demographer projects the state's population to nearly double between 2000 and 2040. Although the Texas economy has generally fared better than the national economy, the late 2000s financial crisis has impacted young adults in record-breaking numbers. According to 2010 U.S. census data, the national employment-to-population ratio has dropped to its lowest point since the end of World War II. This drop in the labor force has particularly affected young and minority males. Young males without a college degree are most likely to lose jobs due to reduced demand for blue-collar jobs in construction, manufacturing and transportation. Moreover, as U.S. military operations in Iraq and Afghanistan wind down, tens of thousands of veterans are flooding the Texas job market at a time when hundreds of thousands of civilians can't find jobs. These factors may result in a larger and more enforcement-oriented caseload, which may increase the complexity and amount of work required from staff.

Caseload Characteristics

The size of the caseload has increased by 30% in the last five years. In addition to the sheer increase in number of cases, certain changes in caseload characteristics have resulted in adjustments to CSD services. The percentage of cases within the child support caseload where the custodial parent is receiving TANF benefits continues to decline. The shift to more application-based customers leads to additional service needs and heightened customer expectations. CSD customers now have increased expectations and different service needs; they have come to expect the ease and convenience provided by access to internet-based services. CSD has also dramatically increased the percentage of the caseload with orders for support and now focuses on enforcement activities to ensure timely payment. This heightened need for enforcement services requires considerable staff time due to additional procedural requirements and more complex legal issues. Therefore, CSD has increased training opportunities for enforcement skills and will continue efforts to disseminate "best practices" throughout the state. To meet expanded customer demands for electronic access to case information, CSD is leveraging technology to enhance its web-based service and is designing new electronic functions. These enhancements will include convenient self-service features and automated appointment notifications.

Changing Business Processes

In FY 2009, CSD began an initiative to improve the ways in which customers obtain services by developing a technologically advanced, flexible, and more automated caseload processing and management system. While the current child support enforcement system, TXCSES, has proven to be a successful system for CSD, it relies on 20-year-old technology that lacks the flexibility and responsiveness available in newer technologies. Completion of this multi-year initiative will eliminate burdensome manual tasks that detract from our ability to serve the needs of Texas families. It will give CSD the capability to fulfill customer service expectations, handle increasing caseloads, and compete effectively for federal incentive funding in the face of ongoing reductions in federal matching funds. CSD will ultimately be a much more effective

organization, able to do more with less, make better decisions with more reliable information, and ultimately collect more child support for the children of Texas. But to accomplish this, the CSD workforce will require training and skill building in operating the new technologies and business processes. In short, the skills of tomorrow's workforce will be considerably different from those of today's workforce.

Future workforce skills needed

CSD will need a flexible, highly-skilled workforce, able to respond to changing caseload requirements, customer needs, and advances in technology. Future workforce skills needed include the following:

- Ability to learn and apply increasingly complex program policies to establish new support obligations and enforce court orders
- Ability to adapt to high volume casework and a rapidly changing environment
- Project management and business analysis skills to oversee and direct complex projects that cross multi-functional areas
- Financial expertise to respond to inquiries on collection and disbursement activities and make necessary adjustments to automated systems
- Customer service skills to respond to complex case inquiries and payment activity
- Information technology skills to adapt to emerging technological advances, while also maintaining the current legacy system

Anticipated increase or decrease in the number of employees needed to do the work

As discussed under "*C. Future Workforce Profile*," increases in population and caseload characteristic changes could negatively impact current service levels if the number of FTEs currently assigned to the CSD remains constant or decreases. Since growth in caseload is expected to continue, the technological solutions being worked on today become vital to responding to this growth.

D. Gap Analysis

Anticipated surplus or shortage of employees

No surplus of child support employees is anticipated. State FTE caps are expected to remain in place. These factors, along with anticipated child support caseload growth, will lead to shortages in certain skilled staff needed to maintain current service levels. Shortages may also occur due to retirement eligibility factors and increases in caseload complexity.

Twenty-nine percent of CSD employees will be eligible for retirement between FY 2013 and FY 2017, including 39% of State Office, 42% of Information Technology, and 26% of field office employees. As retirement eligibility rises, CSD must strengthen knowledge transfer efforts to ensure leadership continuity, program knowledge retention, and effective recruitment for key positions.

Anticipated surplus or shortage of skills

No surplus of skills is anticipated. However, shortages may occur due to staff retirements, changing caseload characteristics, and an increasing need for emerging information technology skills.

CSD requires staff with knowledge of existing child support systems, familiarity with emerging technology, and the flexibility to respond to customers' changing needs. To meet this increasing need for skilled technology staff, CSD provides critical technical training, educates cross-functional teams, develops subject matter experts, and encourages knowledge sharing through the Mentoring and Management Program.

E.   Strategy Development

Gap	Workforce Retention and Recruitment
Goal	Ensure leadership continuity, program knowledge retention, and effective recruitment for key positions.
Rationale	• Effective sharing of knowledge and skills is critical to ensure smooth transitions, develop new leaders and experts, and not impede organizational work and processes. • Efforts are needed to retain qualified and experienced CSD staff. • Field positions experience higher turnover rates in metropolitan areas because of more robust job markets than in rural areas of the state. • New staff expect increased communication tools and advanced technology. • CSD must develop creative ways to reach our workforce and deliver training. • CSD staff demographics are changing to reflect a shorter tenured trend. • Technology-related positions are hard to fill.
Action Steps	• Identify employees with critical knowledge and initiate knowledge transfer efforts through cross-training and mentoring • Enhance staff development through effective modular units and alternative training methods, i.e., online modules, webinars and video conferencing • Plan and execute a streamlined training curriculum to prepare new employees faster • Develop recruitment strategies to attract qualified candidates, especially for difficult-to-fill positions with skill in emerging technologies • Continue improvements to and participation in the Mentoring and Management Program

Gap	Increasing Caseload Volume and Complexity
Goal	Satisfy increasing customer service expectations, handle increasing caseloads, and compete effectively for federal incentive funding.
Rationale	• The volume and complexity of the child support caseload is increasing. • A heightened need for enforcement services requires considerable staff time due to additional procedural requirements and more complex legal issues. • Customer expectations associated with enforcement cases grow. • Customers (e.g., parents, employers, and courts) have greater needs for electronic access to information and services. • Customers are requesting new or expanded services (e.g., medical support enforcement, registry services, and family programs).
Action Steps	• Increase training of enforcement skills and complex technical knowledge • Disseminate "best practices" statewide • Continue technology initiatives to improve systems and processes • Enable a mobile workforce; significantly enhance options to enable staff and appropriate business partners to do their work "anytime from anywhere" • Enhance self-service options for parents, employers, and other business partners • Leverage current technological investments to support CSD's future business vision • Synchronize technology among external partners and systems. • Build and maintain effective relationships with other agencies and the private sector

Gap	Increasing Need for Emerging Information Technology Skills
Goal	Use technology to increase customer satisfaction with services and access to information, and maximize the efficiency of staff.
Rationale	• CSD requires staff with knowledge of existing child support systems, familiarity with emerging technology, and the flexibility to respond to customers' changing needs. • CSD's systems are large and complex, and technology is constantly evolving. Several of these systems are proprietary and require time for staff to acquire proficiency. • Highly desirable information technology (IT) skills are very difficult to attract and maintain in Austin's unique IT industry; there is a greater demand than supply for highly qualified individuals. • A large number of IT staff will be eligible to retire during the next biennium, creating the potential for a shortage of IT skills. • Training is needed in emerging technologies that are incorporated into the future CSD technology architecture. • Efforts are needed to identify and organize essential job skills so staff may be cross-trained as expeditiously as possible. • As CSD expands collaborations with local, state, and federal governments, there is an increasing need to train external business partners to access TXCSES.
Action Steps	• Provide training in critical technical areas and develop cross-functional IT teams to increase the development of subject matter experts. • Develop strategies for expanding the IT skill base and computer literacy of all users. • Enable a mobile workforce by exploring options that will enable staff to do their work "anytime from anywhere" to make working for state government more attractive. • Explore recruitment practices such as offering internships to provide individuals an opportunity to experience the working environment and provide specialized training and certification to attract qualified candidates in hard-to-fill positions. • Continue technology initiatives to improve technology systems and processes. • Collaborate with external partners, including other state agencies, employers, and vendors to evaluate trends, leverage resources, optimize interfaces, and increase efficiencies.

IV.   WORKFORCE STRATEGY - CRIME VICTIM SERVICES

A.   Crime Victim Services Overview

Strategic Goals and Objectives

Goal	**Provide services and information to victims of crime in a caring, sensitive and efficient manner.**
Objectives	Assist victims of crime through direct compensation payments and grants to victim assistance providers.

Strategy: Crime Victims' Compensation
Review all claims for Crime Victims' Compensation (CVC) in accordance with state and federal regulations to determine eligibility for payments; ensure that all bills are reviewed for reasonableness and necessity and paid at the correct rate and that limits are not exceeded.

Strategy: Victims Assistance
Provide grants, training, and technical assistance to support victim related services or assistance in the state; certify Sexual Assault Nurse Examiners and sexual assault advocate training programs; and provide victims of family violence, sexual assault, and stalking with a confidential mailing address and a means of receiving mail.

Anticipated Changes to the Mission, Strategies, and Goals over the Next Five Years
No changes are expected.

B.   Current Workforce Profile (Supply Analysis)

The Crime Victim Services Division's (CVSD) workforce under the Crime Victims' Compensation and Victims Assistance strategies is located primarily in Austin. CVC also maintains regional offices in Dallas, El Paso, Houston, and San Antonio. Each regional office is staffed by one employee (a regional coordinator).

Staff is dedicated to two main functions: direct victim compensation and victim assistance grants. Approximately 75 % of the workforce under these strategies supports the compensation function, where staff manages nearly 67,000 active compensation claims annually. The staff determines eligibility, reviews expenses claims for benefits, and makes recommendations for payments. In addition, the OAG's Victim Assistance Coordinator also provides direct victim assistance in criminal cases handled by the OAG. The remaining 25% of the workforce support the Grants Administration Division (GAD) victim assistance grants function, the Address Confidentiality Program and the executive and administrative functions. GAD staff administer the grants awarded to the OAG and those awarded by the OAG, provide training and technical assistance, and monitor funded programs for fiscal and programmatic compliance. Address Confidentiality Program staff receive and forward mail on behalf of eligible participants. The OAG also utilizes contracted vendors to assist with daily functions under these strategies.

Critical Workforce Skills
The workforce under these strategies will need the following skills to operate effectively in today's technology-driven environment:

- Skills in financial management and analysis

- Skills in monitoring and evaluating programs
- Skills in analyzing complex legal issues and interpreting statutes and regulations
- Organizational skills to manage a high claim volume
- Skills in grant writing and grant management
- Skills in developing written program materials
- Project management skills
- Computer technology skills in word processing, spreadsheet, and database software
- Multi-lingual communication skills
- Public speaking skills

In addition, employees with highly specialized training are also required:

- Attorneys
- Certified Fraud Investigators
- Certified Internal Auditors
- Certified Public Accountants
- Registered Nurses
- System Analysts
- System Programmers

The FY 2012 turnover rate in CVSD is slightly lower than the FY 2011 (16.8%) and FY 2010 (14.6%) statewide turnover rate identified by the State Auditor's Office (SAO). As more employees reach eligible retirement age, retirements may play a more significant role in the CVSD turnover rate in the next few years. The SAO cited several economic factors, such as reductions in merit raises and perceived instability within state employment affecting turnover. Regardless of the reason that turnover occurs, it places a strain on the current workforce – staff must handle an increased workload, take time to interview and hire new staff, and provide training once staff is hired. Some CVC positions remain vacant for longer periods of time and take more time to train once a new employee is hired. Focus should be placed on not only training new staff, but identifying ways to retain current staff.

C.   Future Workforce Profile (Demand Analysis)

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workloads and/or work processes
Several factors may impact the agency's workforce providing assistance under these strategies.

Compensation Applications

The workload for CVC is directly impacted by the number of CVC applications received in a fiscal year. CVC must maintain a stable workforce to ensure that applications and the associated bills or information accompanying the application are processed in a timely and efficient manner.

Address Confidentiality Program

During the 80th Legislative Session, the Texas Legislature authorized the OAG to establish an Address Confidentiality Program (ACP) to protect the location of victims of family violence,

sexual assault and stalking through the establishment of a confidential mailing address. Under the ACP, the OAG provides a substitute post office box address that a participant may use in place of the true residential, business, or school address, acts as an agent to receive service of process and mail on behalf of the participant, and forwards to the participant first class mail received by the OAG on behalf of the participant. Additional demands may be placed on the agency as awareness about the program grows.

Cost Containment

CVC utilizes a cost containment vendor to process medical bills to ensure payment is made according to the Texas Medical Fee Guidelines as required by law. Changes in the cost containment vendor may impact the medical review process. Delays in the medical reviews can potentially impact the timeliness of payments.

Grants and Contracts

For FY 2012-2013, the OAG was appropriated $88.9 million to provide grants/contracts to victim service providers across the state. The grant programs require a high level of monitoring, evaluation, and fiscal oversight. The staff will need to work collaboratively with other agencies and non-profit organizations in administering grants at the state level. Additionally, based on sexual assault federal funding guidelines, the OAG will work with local service providers to continue the transition from a direct services focus to enhanced efforts in primary prevention using a public health model for federal funding purposes. State funded sexual assault services' primary focus will remain on direct services.

Statewide Automated Victim Notification System

By the end of FY 2012, an estimated 168 counties and the Texas Department of Criminal Justice will be participating in the Statewide Automated Victim Notification System. Staff will be required to provide training and technical assistance to the communities using the statewide system.

SANE Training and Certification Program

Each year, the Sexual Assault Prevention and Crisis Services Program (SAPCS) trains nurses across the state to be Sexual Assault Nurse Examiners (SANE). The training is provided by OAG staff and three contracted SANE trainers located in various regions of the state. Additional technical assistance, continuing education for nurses, and support to foster retention will be required as more nurses receive SANE training and certification. Additionally, the program is collaborating with rural counties to ensure that sexual assault victims are receiving essential services.

Funding

The OAG receives state and federal funds to support compensation payments and victim services delivered by grantees. State funding for these services comes from a legislative appropriation from the Texas Compensation to Victims of Crime Fund (CVCF). Reductions in funding would affect the agency's performance and ability to maintain current services. In FY 2012-13, the

CVCF faced significant funding limitations for victim services grants when appropriations from the 82nd Legislative Session were projected to exceed the revenue and the available cash balances. Without additional assistance from the Texas Legislature in the FY 2014-2015 biennium, the CVCF faces further reductions in the amount of funding available for victim services grants.

Information Technology

CVC has implemented technology solutions such as a document imaging/workflow system and customized automation software to offset increases in workload. CVC has also begun automated downloads from the Health and Human Services Commission for Medicaid and other external sources to identify collateral sources available to claimants and victims in order to reduce time demands for manual online searches by staff and to reduce overpayments. To further improve efficiency, during FY 2012 the CVC began updating the workflow and documentation system to maintain current business processing systems, further refine its core data management processes, and to develop new automated web-based systems to replace underdeveloped and outdated systems. To perform these tasks and provide ongoing support to its employees, the agency needs skilled technology workers with diverse backgrounds.

Future Workforce Skills Needed

The OAG anticipates that future core workforce skills requirements will be the same as current skill requirements under these strategies. However, as the agency increasingly utilizes technology to streamline processes, meets the demands of constituents, and provides more efficient services, additional skills may be required. These essential skills will include advanced computer-related skills. The focus will shift to systems design and analyses, web design and development, and the ability to adapt to new or modified application systems to keep up with the changing technology.

Critical Functions

- Retain and continue to attract a talented and diverse workforce
- Develop current employees for needed skills
- Identify and eliminate unreasonable bureaucratic standards
- Automate more work processes
- Increase the use of technology to streamline workflow
- Increase the use of interactive information exchange
- Enhance the monitoring and evaluation processes

D.   Gap Analysis

Anticipated Surplus or Shortage of Skills

While employees have sufficient skills for the current environment, additional skills will be needed in the future. With the addition of new duties and responsibilities, the organization has become more complex. Employees are taking on more job responsibilities that require different skill sets, including grant management and technical/system support. The agency must develop all the required competencies necessary to maintain quality performance in the changing work environment. The technology needs of the OAG are constantly evolving, and employees must be poised to handle these emerging requirements.

The agency will also face the challenge of retaining the institutional knowledge that may be lost as a result of employee turnover. The focus for staff under the Crime Victims' Compensation and Victims Assistance strategies will be in transferring knowledge and in positioning key staff members for promotion, career development, and succession planning.

E.   Strategy Development

Gap	Increased Demands for Victim Services
Goal	Have sufficient human resources to respond to increased demands and maintain the necessary oversight of programs.
Rationale	As service demands increase, maintaining the proper number in the workforce is critical to ensuring proper use of state funds and quality services for crime victims.
Action Steps	• Identify ways to improve efficiency of current staff through organizational change and the use of technology. • Automate processes for victim compensation where possible. • Work with other state agencies to streamline the compensation, address confidentiality, and grant/contract processes where possible.

Gap	Critical Skill Development
Goal	Develop new competencies/employee skill sets and maintain a well-trained workforce.
Rationale	The training and development of current employees is critical to the success of the agency in delivering crime victim services.
Action Steps	• Identify new skill sets required as a result of program changes or technological advancements. • Expand training curriculum to include programs such as change management, effective leadership, project management, and strategic planning. • Identify candidates from which to pull future leaders and prepare them to move into jobs with higher level skill requirements. • Create training and development plans to develop increased competency in staff who have demonstrated the potential or interest to assume positions at higher levels as vacancies occur. • Promote the transfer of knowledge through cross functional training, mentoring programs, and enhancement of written procedures. • Hire replacement staff with advanced financial and database experience as positions are vacated.
Gap	Information Technology Skills
Goal	Continue to use technology to improve productivity and services.
Rationale	Through the use of technology the agency will be more efficient and able to enhance victim and provider access to information to improve overall satisfaction with services.
Action Steps	• Recruit employees with highly technical skills to further develop and refine the information management systems. • Enhance the infrastructure with new technologies and implement organizational changes to keep up with increased workloads. • Explore and identify available technologies to address the needs of the compensation and address confidentiality. • Collaborate with other agencies to further e-government directives. • Develop strategies for expanding the computer skills of staff.

Gap	Employee Recruitment and Retention
Goal	Become an employer of choice.
Rationale	To recruit and retain talented employees, the OAG must be competitive in the market for skilled workers.
Action Steps	• Focus on rewarding exceptional performance, providing a structured approach to staff development and creating a culture that supports innovation and excellence. • Utilize pay incentives, where appropriate, to attract and retain staff. • Adjust salaries within assigned pay ranges for employees in positions that are either critical functions or have high turnover rates. • Continue to allow employees who are seeking new challenges to work on special projects, rotations, and/or developmental assignments. • Promote lower level employees into positions with increasing levels of skill to advance development. • Assess workplace environment and survey staff to prioritize suggested improvements. • Continue to support staff participation in agency and division-wide events. • Encourage staff recognition and award systems.

V.   WORKFORCE STRATEGY - MEDICAID FRAUD CONTROL

A.   Medicaid Fraud Control Unit Overview

The Medicaid Fraud Control Unit (MFCU) is an investigation and prosecution division of the OAG which carries out two very important functions of the agency: to reduce fraud in the state Medicaid program and to enhance the safety and welfare of citizens living in facilities receiving financial support from Medicaid. This is achieved by thorough investigation and, when appropriate, prosecution of Medicaid providers and Medicaid-funded facilities for violations of state and federal law. The MFCU functions under the authority of the U.S. Code of Federal Regulations, Title 42, Part 1007, and the federal oversight of the U.S. Department of Health and Human Services - Office of Inspector General. MFCU cases involve fraud in the administration of the program, the provision of medical assistance, and/or the activities of providers of medical assistance under the state Medicaid plan. The mission of the MFCU is, through thorough investigation and prosecution, to create an industry deterrent so that Medicaid recipients can receive medical care in an environment that is as free as possible from fraud, physical abuse, and criminal neglect.

Goal	Conduct a statewide program for investigating and prosecuting (or referring for prosecution) violations of all applicable state laws pertaining to fraud in the administration of the program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid Plan.
Objectives	• Review complaints and conduct criminal investigations into allegations of fraud committed by Medicaid providers. • Review complaints and conduct criminal investigations of allegations of abuse and neglect that occur in facilities that receive Medicaid funding. • Review complaints and conduct criminal investigations of allegations of the misappropriation of patients' private funds in facilities. • Prosecute fraud, abuse, and neglect cases either in federal or state court utilizing staff Special Assistant U.S. Attorneys or in-house Assistant Attorneys General who are available to support local prosecutors in their prosecution of these cases. • Refer cases that do not have substantial potential for criminal prosecution to the appropriate state agency, licensing board or other federal, state, or local law enforcement. • Support and participate in global and multi-state civil litigation to enhance monetary settlements from nationwide corporate providers.

B. Current Workforce Profile (Supply Analysis)

The MFCU workforce is located in nine cities across the state. The Austin office serves as the headquarters and currently represents 22% of the division's total staff, the Corpus Christi office represents 6%, the Dallas office represents 16%, the El Paso office represents 4%, the Houston office represents 25%, the Lubbock office represents 3%, the McAllen office represents 9%, the San Antonio office represents 9%, and the Tyler office represents 6% of the unit's total staffing. The unit's staffing consists of four distinct disciplines that play a major role in ensuring the unit functions at an efficient level to accomplish its critical functions. MFCU employs attorneys, auditors, and investigators, as well as support staff which include IT personnel, a training coordinator, a paralegal and administrative assistants. Three of the four distinct disciplines are required to be a part of MFCU's staffing mix in accordance with 42 CFR 1007.13 which states in pertinent part that "the unit will employ sufficient professional, administrative, and support staff to carry out its duties and responsibilities, and the staff must include attorneys, auditors and investigators."

Currently the unit's staffing consists of 20% administrative and supervisory staff, 21% investigative auditors, 9% attorneys, and 50% investigators. Approximately 60% of the unit's investigative staff are commissioned peace officers, which enhances the MFCU's ability to expedite cases by making arrests, executing subpoenas and search warrants, and participating with other local, state, and federal law enforcement partners in investigating health care fraud matters. The unit promotes a teamwork approach to criminal investigations, which encourages and requires staff to bring all of the collective expertise and knowledge to bear in each case worked. The division also utilizes medical consultants and specialists on an as-needed basis to assist with thorough investigations and, where appropriate, prosecution of cases.

Critical workforce skills of MFCU

- Performance of fraud and abuse/neglect investigations (Medicaid nexus)
- Prosecution of fraud and abuse/neglect cases in coordination with federal, state, and local prosecuting authorities (Lawyers experienced in pre-indictment work, grand jury, trial work, and appellate law are preferred.)
- Extraction and analysis of Medicaid, criminal, civil, and other data from various state and other databases to facilitate case investigation and prosecution
- Knowledge of the Medicaid program and Medicaid managed care in Texas
- Information systems management (Novell network and LAN/WAN experience)
- Database design, implementation and work process analysis
- Connectivity to outside agency databases: download, compile, and analyze large amounts of billing information (data mining)
- Natural language programming for the OAG/MFCU mainframe case management system

C.   Future Workforce Profile (Demand Analysis)

Critical Functions

Investigators, auditors, and analysts, either commissioned as OAG peace officers or not, should be knowledgeable and conversant about the state's Medicaid program. Medicaid in Texas is a large and multifaceted program with varying requirements regarding who must provide the services and the setting in which the services must be provided, in order for the service(s) to be reimbursable. It is also vital for staff to have experience and knowledge in investigative/auditing techniques, including records review, interviewing techniques, data analysis, statistical analysis, oral and written communication skills, case preparation and presentation, evidence collection (including forensic examination of electronic storage media), testifying in court, and knowledge and experience in white-collar crime, crimes against persons, and a working understanding of regulatory and licensing boards (e.g., Department of Aging and Disability Services, Department of Family and Protective Services, Texas Medical Board). Additionally, because Texas is increasingly moving toward a managed care model, the unit is increasing its knowledge of the managed health care delivery systems and the various ways in which fraud and other crimes may be committed in that environment. Attorneys on staff should be knowledgeable of criminal law and proceedings, be able to assist with investigations, be responsible for directing, planning, organizing, and/or monitoring legal activities; interpreting laws and regulations; providing legal advice, counsel, and assistance to federal prosecutors; and also be able to represent the state's interest in criminal matters involving Medicaid, including preparing cases for trial.

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workload and/or work processes

The Medicaid program continues to grow in size and complexity. Annual Medicaid spending in Texas is approaching $27 billion, and a very large increase can be expected from the recent federal health care legislation. In Texas, the total number of Medicaid recipients is approximately 3.7 million, and the total number of active Medicaid providers is approximately 57,000. With a large Medicaid population, Texas also has a large number of doctors, dentists, counselors, pharmacists, and other types of medical providers and long-term care facilities willing to treat the medically indigent and underserved. MFCU's ability to effectively respond to allegations and complaints of fraud and criminal abuse and neglect will be a continuing challenge as the delivery of health care services in Texas continues to grow, change, and expand.

The full implications of the many changes the state is experiencing in the health care field are still being explored. MFCU anticipates increased federal oversight and scrutiny, and based upon the federal staffing increase to combat Medicaid fraud, the unit may have additional federal partners in the field. As a result, MFCU will continue to provide staff with sufficient resources, training and tools needed to respond to the challenges that will continue to be inherent in criminal investigative and prosecutorial work.

It is increasingly apparent that training, communication, information management systems and access to technologies that permit staff to access information, people and other resources in real time is vital to the MFCU's continued success. Similarly, MFCU will continue its efforts to develop a case management system that is as dynamic as the health care environment in which the unit operates.

Future workforce skills needed

The MFCU anticipates that the future workforce skill requirements will remain much the same as they are currently. The unit will continue to need analysts, attorneys, auditors, investigators, peace officers, and contracts with medical professionals in order to capably and effectively investigate Medicaid fraud and abuse and, when appropriate, secure prosecutions. As technology advances and health care delivery changes, it is anticipated that MFCU staff in all professional disciplines will have to become more technologically informed to identify fraud schemes that will arise. Because of the fast pace of technological change, MFCU must take steps to increase and enhance case management systems and afford better training opportunities to staff. Emphasis will be placed on creating training opportunities for staff and partnering with other law enforcement agencies with similar missions and interests.

Anticipated increase or decrease in the number of employees needed to do the work

The MFCU is committed to placing staff where the fraud, abuse, and neglect (crime) are occurring thus improving productivity and response time to protect Texas' Medicaid funding and the citizens who rely on the Medicaid program for health care. The MFCU continually evaluates staffing needs and work demands, including assessing the mix of our current caseload and where the cases are in the state. The unit attempts to adjust its allocation of resources according to where the data and analysis suggest the staff are needed.

The OAG is currently assessing the federal health care law's anticipated effect on the MFCU, including the timing of any relevant impact, to determine the extent to which – and when – additional state resources and FTEs will need to be requested to fund the MFCU's efforts to combat Medicaid fraud.

D.   Gap Analysis

Anticipated surplus or shortage of employees

The MFCU continues to be concerned about the availability of attorneys, auditors, and investigators with experience in criminal investigations and prosecutions. During the unit's growth, a number of retired employees who had left state or local government in one capacity or another as an investigator or an auditor were hired. MFCU attracted a number of retired DPS employees, Texas Rangers, FBI, local police and sheriff department retirees and other federal or state investigative retirees who wanted to continue to work in the investigative arena. These staff

came to MFCU with a wealth of investigative and auditing experience, and their knowledge and expertise allowed the unit to move more quickly toward early results. However, MFCU is now beginning to lose many of these employees to retirement creating a number of vacancies for the unit. The MFCU has also experienced a 10% attrition rate that has been largely due to its inability to compete with the salaries paid to white-collar law enforcement professionals by the federal government and some of the program integrity and audit programs mentioned above that are funded by the federal government.

Anticipated surplus or shortage of skills

The MFCU training program will assist with ensuring that staff has the knowledge and skills necessary to be successful. MFCU has a Relief Manager Program which offers managerial experience to selected investigators or auditors who will serve in the place of the field office team managers. Given the increased complexity of evidence collection techniques in the automated environment, MFCU's ability to attract, retain and/or train staff on computer seizure and forensic examination of electronically stored data will be vitally important. Staff training will continue to be a priority over the next biennium, as a confident and mature workforce will be critical to the unit's continued success.

E.   Strategy Development

Specific goals to address workforce competency gaps or surpluses:

Gap	Employee Turnover
Goal	Develop retention programs
Rationale	Staff with experience and knowledge in criminal investigations is vital to the continued success of the unit. The training costs required to best prepare an employee to do Medicaid fraud and abuse/neglect investigations are high, because many of the courses are offered out-of-state. Competitive salaries remain an issue, and once staff are acquired and adequately trained, it is cost-effective and prudent to retain them for as long as possible.
Action Steps	• Work with staff within and outside the OAG to seek support to increase our out-of-state travel cap. • Continue to work to gradually increase the salary levels of MFCU staff. • Continue to develop and improve our internal training program. • Recruit and bring in outside speakers to enhance our knowledge and skills. • Ensure Texas MFCU staff participates in case development and policy conferences at the national level to ensure early detection of new fraud trends and timely implementation of innovative investigative techniques and tools.

Gap	Skills for identifying qualified applicants
Goal	Recruitment strategy
Rationale	Recruit and retain highly motivated professional staff that will allow us to become one of the premier law enforcement agencies in state government and a place where investigators, auditors, and prosecutors choose to work.
Action Steps	• Reward top performers and utilize pay incentives (raises and bonuses). • Enhance staff development and allow staff to participate in the process as much as possible. • Promote from within as frequently as possible and establish expectations for staff on necessary steps to get to the next level. • Continue the Relief Manager Program to afford real-time managerial experience to selected investigators and auditors. • Continue to solicit input from staff regarding how to improve the unit and implement their suggestions/recommendations when feasible. • Utilize our annual training conference as staff recognition and reward mechanism. • Create an environment in which current staff are our greatest advocates because the tools available (technology) to get the job done, the partnerships developed with other agencies and the support systems in place make the MFCU a great place to work.
Gap	Need for employee development.
Goal	Implement annual development goals for each employee.
Rationale	Allow employees to have input into the types of skills and training they determine essential for success on the job based upon their knowledge of the job they are performing in the unit.
Action Steps	• Establish a training and development budget for every MFCU staff member. • Implement an annual process to occur in conjunction with the annual performance review in which each manager meets with assigned staff to document an employee development plan. • Ensure that managers and employees work together to monitor the employee's progress toward agreed upon development strategies.

Gap	Strengthen relationships with prosecutors' offices across the state.
Goal	Continue to develop and strengthen cooperative relationships with local district and county attorneys' offices across the state and with the U.S. Attorneys' Offices in Texas. Make available all MFCU attorney resources when requested and be proactive in offering prosecutorial assistance when appropriate.
Rationale	MFCU expects that more cases will be prosecuted by MFCU attorneys. Cooperative and collaborative relationships with district and county attorneys' offices and U.S. Attorneys' Offices will expedite the acceptance and prosecution of cases.
Action Steps	• Continue to assign an MFCU AAG to each investigation and communicate to the state district attorneys that an attorney familiar with the case is available to assist prosecution. • Deliver a complete investigative package to district, county, or U.S. Attorney's office that includes a well-written report with the evidence needed to support pursuit of a potential criminal violation. • Continue the position in Harris County of an AAG serving as a full-time special assistant district attorney and seek other opportunities to add similar positions throughout the state. • Work more closely with the district and county attorneys and U.S. Attorneys' Offices during investigation and throughout prosecution of cases. • Train staff to identify illegally held assets to support a forfeiture action. • Continue to support with attorneys, analysts and auditors the global and multi-state litigation coordinated through the National Association of Medicaid Fraud Control Units.

Appendix F: Agency Historically Underutilized Business Program

The mission of the OAG's Historically Underutilized Business (HUB) Program is to assist minority and women-owned businesses to compete in an open and fair manner for contracting opportunities with the agency. The OAG's HUB Program is a success because of the agency's commitment to an open and competitive procurement environment.

The OAG is continuing its good faith efforts (Texas Government Code, Title 10, Subtitle D, Section 2161) to meet the HUB goals set by the OAG based upon the 2009 State of Texas Disparity study conducted by the Comptroller of Public Accounts and their goal setting methodology. The agency strives to meet or exceed these goals by its proactive approach to the procurement process to ensure that the opportunity for state business is extended to as many HUB vendors as possible.

The OAG requires a HUB Subcontracting Plan for all procurements greater than $100,000, including all renewal options, where probable subcontracting has been identified. The agency takes a proactive approach in the areas of outreach and procurement announcements to better inform the HUB community of large-scale projects which contain potential subcontracting opportunities. The vendor community is informed, well in advance of a large procurement, by e-mail. This allows prime contractors and potential HUB subcontractors more time to establish subcontracting relationships. HUB subcontractors are also encouraged to attend pre-bid/pre-proposal conferences. This enables HUB subcontractors to be better informed of the procurement and to know which prime contractors may be bidding. A "Best Practices for HUB Subcontracting" training session has been provided to OAG staff in order to facilitate best practices for the large bid opportunities.

The Mentor-Protégé program at the OAG is designed to foster successful relationships between prime contractors and HUBs. Currently, the OAG has 9 Mentor-Protégé teams. As a part of the agency's other outreach efforts, the OAG has actively pursued minority chambers of commerce and minority business councils across the state to seek out and provide additional HUB resources for the agency. The OAG co-sponsored a HUB Vendor forum and participated in HUB events held in the Austin area.   The OAG's "In-Reach" program is an everyday activity with interactions between the OAG HUB coordinator, agency purchasing staff, and division decision makers.

Additionally, the OAG monitors and analyzes HUB participation within each of the defined CPA HUB categories, allowing the agency to identify areas which may need improvement. Please note that this agency does not have expenditures in the "Heavy Construction" or "Building Construction" categories.

The OAG maintains a strong commitment to the objectives of the HUB program. The agency looks forward to the challenges of further increasing HUB involvement in our procurement process to the benefit of all Texans.