

## **Appendix E: Workforce Plan**

### **Office of the Attorney General • Fiscal Years 2015-2019**

#### **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 Office of the Attorney General (OAG) provides high-quality legal representation, counseling, and assistance as legal counsel to more than 300 boards, agencies, and institutions of state government. Twenty-eight percent (1150) of the OAG's authorized full-time equivalents (FTEs) work within the Legal Services Strategy. Most of this staff is located in Austin; however, five regional consumer protection offices are located in Dallas, El Paso, Houston, McAllen, and San Antonio. 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 sixty-five percent of the OAG's current authorized FTEs. The OAG provides child support services across the state through the Child Support Division's numerous field and regional offices. As of March 1, 2014, these offices included sixty-three field offices, nine regional administrative offices, nine regional customer service centers, and one storefront customer service center.

The Attorney General is also responsible for administering the Crime Victims' Compensation Program. Three percent (112) 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 but is also housed in Dallas, El Paso, Houston, and San Antonio.

The OAG's Medicaid Investigation Strategy is carried out by the agency's Medicaid Fraud Control Unit (MFCU), as mandated by federal regulation (42 C.F.R. § 1007.11). With four percent (175) 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 is based in Austin and has eight field offices operating in Corpus Christi, Dallas, El Paso, Houston, Lubbock, McAllen, San Antonio, and Tyler.

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 services. Instead, 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.

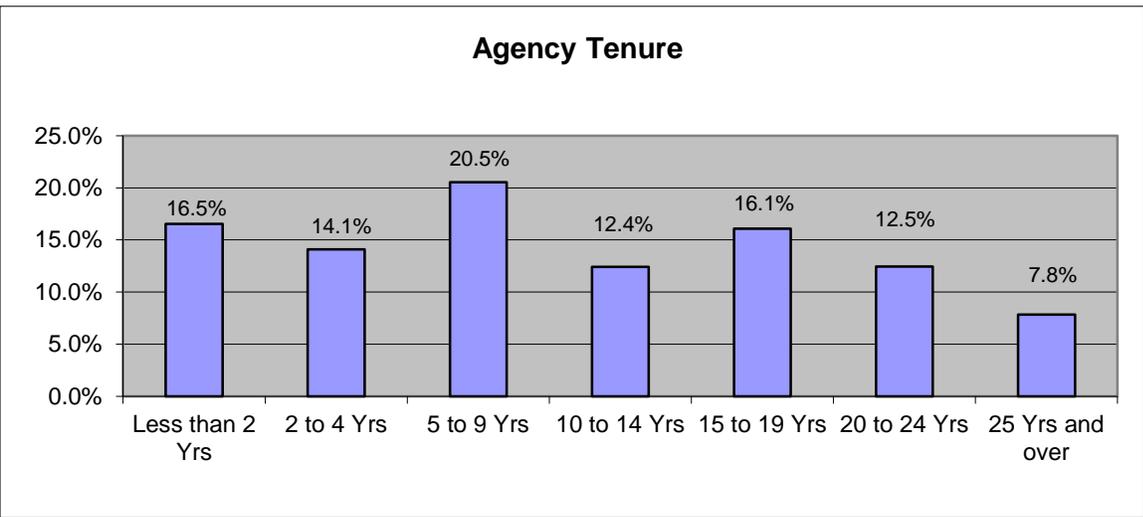
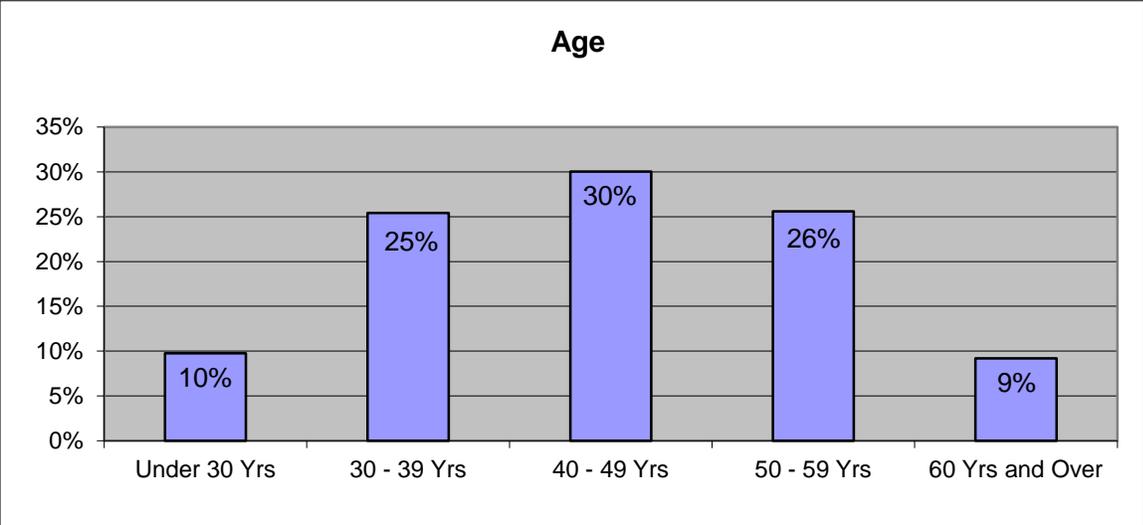
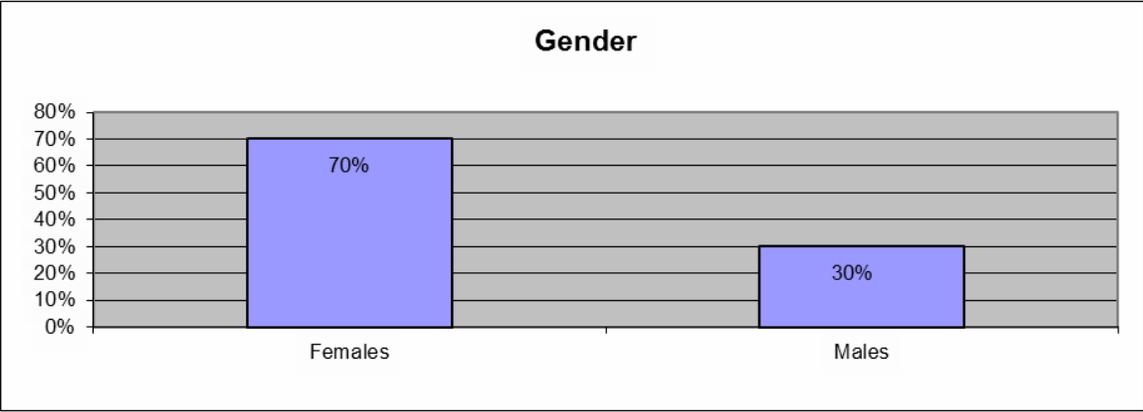
## A. Goals and Objectives

|               |   |
|---------------|---|
| <b>Goal 1</b> | <b>Provide Legal Services</b>   |
| 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]         |
| <b>Goal 2</b> | <b>Enforce Child Support Laws</b>   |
| 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]  |
| <b>Goal 3</b> | <b>Provide Services to Crime Victims</b>  |
| 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] |
| <b>Goal 4</b> | <b>Investigate and Prosecute Medicaid Crimes</b>  |
| Objective     | To provide Medicaid recipients and the Medicaid Program with an environment free of fraud, physical abuse, and criminal neglect. [42 C.F.R. § 1007.11]  |
| <b>Goal 5</b> | <b>Provide Administrative Support for SORM</b>  |
| Objective     | Provide administrative support for the State Office of Risk Management, which administers the workers' compensation program for state employees. [Texas Labor Code § 412.0111]  |
| <b>Goal 6</b> | <b>Increase the Use of Historically Underutilized Businesses</b>  |
| Objective     | To implement 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, 2014. The charts include full-time and part-time employees. The OAG workforce is thirty percent male and seventy percent female, and sixty-five percent of the agency's employees are forty years of age or older. With respect to state service, fifty-one percent of agency employees have less than ten years of state service, while forty-nine percent have ten or more.



The following table compares the percentage of African-American, Hispanic, and female OAG employees (as of March 1, 2014) to the statewide civilian workforce as reported by the Texas Workforce Commission’s Civil Rights Division. In two-thirds of the categories, the agency’s percentages are higher than the statewide workforce levels.

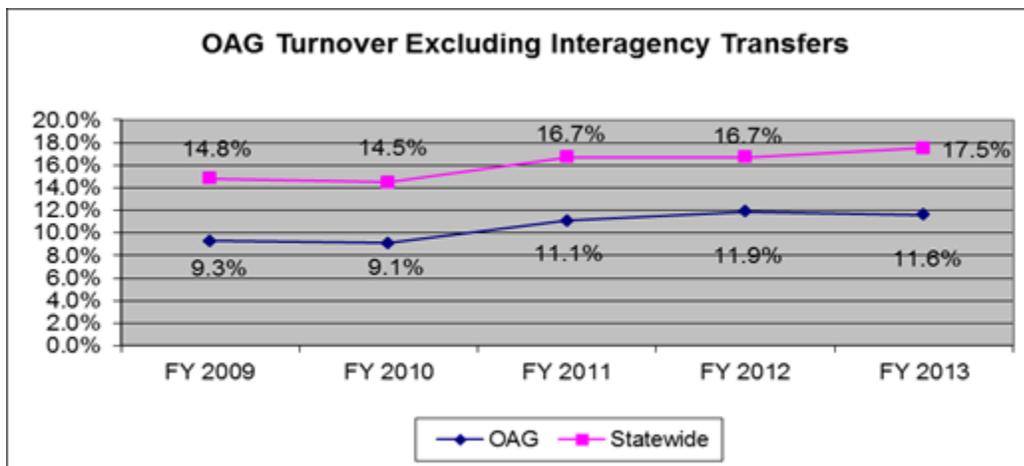
| Job Category              | African-American |         | Hispanic |         | Female |         |
|---------------------------|------------------|---------|----------|---------|--------|---------|
|                           | OAG %            | State % | OAG %    | State % | OAG %  | State % |
| Officials, Administration | 11.00            | 8.99    | 11.00    | 19.51   | 39.56  | 39.34   |
| Professional              | 8.79             | 11.33   | 23.09    | 17.40   | 57.97  | 59.14   |
| Technical                 | 6.40             | 14.16   | 32.80    | 21.36   | 32.80  | 41.47   |
| Administrative Support    | 14.46            | 13.57   | 39.90    | 30.53   | 88.19  | 65.62   |
| Skilled Craft             | 25.00            | 6.35    | 75.00    | 47.44   | 25.00  | 4.19    |
| Service and Maintenance*  | 19.96            | 14.68   | 43.78    | 48.18   | 78.01  | 40.79   |

\* Per directive from the Texas Workforce Commission’s Civil Rights Division, Protective Services” and “Para-Professionals” categories are combined with the “Service and Maintenance” category.

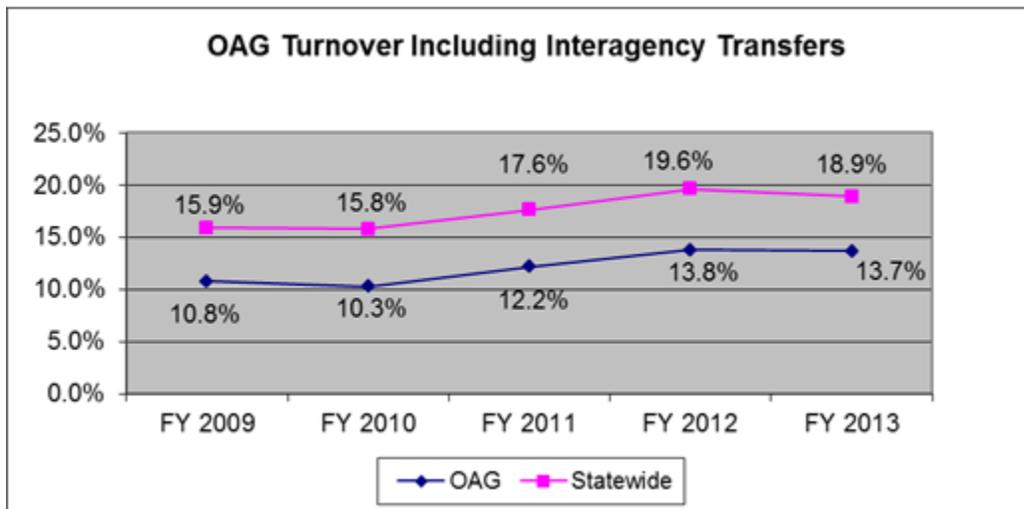
The demographics of the OAG workforce are statistically representative of the Texas labor pool. Categories with under-representation are Female Technical, African-American Technical, and Hispanic Officials/Administration. The under-representation of African-American Professional, Female Professional, and Hispanic Service and Maintenance are all considered minimal.

### 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 2009 through FY 2013 is below.



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



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#### D. Potential Retirement Eligibility Impact

An analysis of the OAG staff tenure and leave records indicates that 313 staff members—or approximately eight percent of the agency’s workforce—currently are, or will become, eligible to retire during FY 2014 under the state’s “Rule of Eighty” criteria.<sup>1</sup> As Table A indicates, the percentage of OAG employees becoming eligible to retire by the end of FY 2014 is as follows: five percent for the Crime Victims Services Division, six percent for MFCU, seven percent for the Child Support Division, and nine percent for the legal services divisions. Between FY 2014 and FY 2019, approximately twenty-four percent (981 employees) of the OAG’s staff are anticipated to become eligible for retirement under the “Rule of Eighty.”

Table B shows the estimated number of agency staff by selected classified position series who may likely reach retirement eligibility during the FY 2014 through FY 2019 period. Approximately forty-seven percent of the agency’s directors and forty percent of its managers are projected to reach retirement eligibility during this period. In addition, during this same period, thirty-two percent of the agency’s administrative assistants are projected to reach retirement eligibility.

The OAG, on a limited basis, utilizes rehired ERS retirees to fulfill mission-critical job functions. Approximately two percent of OAG employees fall into this category. Table C shows the number and percentage of rehired ERS retirees employed by the agency according to strategy area as of March 1, 2014.

<sup>1</sup> These estimates are based on the number of staff on the OAG’s payroll as of March 1, 2014. The estimates are conservative as employees may retire for reasons other than the “Rule of Eighty” (e.g., reaching the age of sixty with ten years of service credit). The seventy-five OAG employees who have retired through the Employee Retirement System (ERS) as of the end of March 2014 are also excluded from the annual estimates of retirement-eligible staff. Rehired ERS retirees, however, are included in the total count of agency employees as of March 1, 2014.

**TABLE A: Number of OAG Employees  
Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80**

| Strategy Area               | FY 14      | FY 15      | FY 16      | FY 17      | FY 18      | FY 19      | Total Eligible | Total Staff by Area <sup>1</sup> | % Eligible in FY 2014 | % Eligible Between FY 2014 & FY 2019 |
|-----------------------------|------------|------------|------------|------------|------------|------------|----------------|----------------------------------|-----------------------|--------------------------------------|
| Child Support               | 192        | 77         | 89         | 97         | 99         | 97         | 651            | 2,642                            | 7                     | 25                                   |
| Crime Victim Services       | 6          | 5          | 0          | 3          | 2          | 4          | 20             | 112                              | 5                     | 18                                   |
| Legal Services <sup>2</sup> | 104        | 27         | 33         | 41         | 24         | 39         | 268            | 1,150                            | 9                     | 23                                   |
| Medicaid Fraud Control      | 11         | 3          | 7          | 5          | 8          | 8          | 42             | 175                              | 6                     | 24                                   |
| <b>Agency Total</b>         | <b>313</b> | <b>112</b> | <b>129</b> | <b>146</b> | <b>133</b> | <b>148</b> | <b>981</b>     | <b>4,079</b>                     | <b>8</b>              | <b>24</b>                            |

<sup>1</sup>Count is of filled positions as of 3/1/2014 and includes rehired ERS retirees but excludes vacant positions.

<sup>2</sup>Includes the staff of Executive Administration and the administrative divisions.

**TABLE B: Number of OAG Employees By Selected Classification Series  
Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80**

| Strategy Area             | FY 14 | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | Total Eligible | Total Employees by Classification Series <sup>1</sup> | % Eligible in FY 2014 | % Eligible Between FY 2014 & FY 2019 |
|---------------------------|-------|-------|-------|-------|-------|-------|----------------|---|-----------------------|--------------------------------------|
| Administrative Assistants | 24    | 10    | 8     | 12    | 5     | 15    | 74             | 233   | 10                    | 32                                   |
| Assistant Attorneys       | 68    | 18    | 11    | 14    | 19    | 20    | 150            | 707   | 10                    | 21                                   |
| Child Support Officers    | 74    | 35    | 36    | 37    | 48    | 37    | 267            | 1,239   | 6                     | 22                                   |
| Child Support Technicians | 15    | 2     | 6     | 8     | 7     | 7     | 45             | 364   | 4                     | 12                                   |
| Directors <sup>2</sup>    | 12    | 4     | 5     | 3     | 3     | 4     | 31             | 66  | 18                    | 47                                   |
| Investigators             | 11    | 3     | 9     | 10    | 6     | 15    | 54             | 231   | 5                     | 23                                   |
| Legal Assistants          | 6     | 3     | 5     | 1     | 5     | 4     | 24             | 96  | 6                     | 25                                   |
| Legal Secretaries         | 8     | 0     | 2     | 7     | 2     | 3     | 22             | 81  | 10                    | 27                                   |
| Managers                  | 18    | 6     | 5     | 6     | 7     | 8     | 50             | 124   | 15                    | 40                                   |

<sup>1</sup>Count is of filled positions as of 3/1/2014 and includes rehired ERS retirees but excludes vacant positions.

<sup>2</sup>Excludes all Director V positions defined for this analysis to be non-career positions.

**TABLE C: Rehired ERS Retirees as a Percentage of the OAG  
Workforce as of 3/1/2014**

| OAG Strategy           | Total Employees as of 3/01/14 | Number of Rehired ERS Retirees | Rehired ERS Retiree as % of Total Employees |
|------------------------|-------------------------------|--------------------------------|---|
| Child Support          | 2,642                         | 33                             | 1.2   |
| Crime Victim Services  | 112                           | 0                              | 0.0   |
| Legal Services         | 1,150                         | 32                             | 2.9   |
| Medicaid Fraud Control | 175                           | 10                             | 5.7   |
| <b>Agency Total</b>    | <b>4,079</b>                  | <b>75</b>                      | <b>1.9</b>                                  |

## **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 trainings. 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;
  - Government Records: Retention and Requests;
  - Sensitive Personal Information; and
  - Information Technology Security
- Continuing Legal Education
- Peace Officer Education
- Employee Development

## **F. Recruitment**

The purpose of recruitment is to attract outstanding individuals who have an interest in state government. The OAG has ongoing programs that serve to enhance recruitment of employees.

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

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

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.

The **Volunteer/Intern Program (VIP)** provides realistic training situations that provide volunteers and interns with valuable hands-on experience. Recruiting for the VIP includes attendance at job and internship fairs, public presentations at colleges and universities, and dissemination of information to various career-services offices.

The **Child Support Outreach and Volunteer Program** provides community outreach and recruits volunteers and interns to work in child support offices. Volunteers and interns assist full-time staff with valuable support and, in return, they gain experience and marketable skills.

## **G. Retention**

To increase retention, the OAG provides employees the following:

### **1. Payment of Fees for Professional Certifications and Licenses**

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.

### **2. Alternative Work Schedules**

Pursuant to OAG policy, employees may have alternative work schedules.

### **3. Telecommuting**

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

### **4. Performance Leave**

Employees may be awarded performance leave for outstanding performance.

### **5. Education and Training**

The OAG provides education and training programs designed to develop relevant knowledge, skills, and abilities.

### **6. Wellness Program**

The OAG's Wellness Program provides employees the opportunity to participate in a variety of health initiatives.

### **7. Law School Loan Repayment Program**

In coordination with the Texas Higher Education Coordinating Board (THECB), the OAG offers qualified OAG attorneys yearly student loan payment assistance (for up to three years) paid directly to lenders.

## **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. The OAG recognizes and retains potential future leaders through pay raises and promotions, training opportunities, and job assignments. In addition, the agency instituted a formal mentoring program within the Child Support Division. This program is designed to ensure continuity in key or critical positions and identify individuals with the potential to assume new roles and higher levels of responsibility. It creates opportunities for professional growth through voluntary mentoring and tailored training, and retains critical child support program knowledge and information.

## 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 2012 to FY 2013:

- The turnover rate for Assistant Attorneys General in Legal Services Divisions increased from 9.1% to 12.5%
- The turnover rate for Legal Assistants increased from 13.7% to 15.9%
- The turnover rate for Legal Secretaries increased from 9.4% to 13.6%

While agency employees report a high level of job satisfaction, oftentimes the OAG still cannot match salaries offered by other government entities or the private sector.

### **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 22,161 letter rulings in FY 2013. 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.

The Law Enforcement Defense Division (LEDD) continues to experience an increasing caseload defending various Texas law enforcement agencies and their employees in complex civil actions alleging violations of the First, Fourth and Eighth Amendments and related statutory rights, tort claims, medical claims and employment claims under federal and state statutes in federal and state courts.

LEDD's largest client agency is the Texas Department of Criminal Justice (TDCJ), which – with more than 40,000 security and non-security staff operating 111 prisons, state jails, and other facilities, and housing more than 150,000 felony inmates – is among the largest public employers in Texas, with correspondingly large and increasing legal needs. TDCJ has experienced a surge in heat-related inmate deaths, resulting in multiple lawsuits being brought against numerous defendants, including top TDCJ officials and correctional officers, and the University of Texas Medical Branch (UTMB) and its employees. These cases require numerous attorneys and significant resources. A class action on these same issues is anticipated in the near future.

In 2012, LEDD assumed the litigation needs of the Office of Violent Sex Offenders (OSVOM) taking on 60 new cases, with an additional 40 cases filed to date. The litigation needs of OSVOM are expected to continue increasing due to the rise in paroled inmates being added regularly to this civil commitment program. Moreover, constitutional challenges to this program are expected to continue and will require additional resources. Similarly, UTMB and the Texas Tech University Health Science Center (TTUHSC) continue to experience a rise in health-care related lawsuits, brought by inmates due to the aging inmate population and longer sentences. LEDD also represents 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.

In FY 2013, new filings against TDCJ and the state medical facilities providing care to inmates (UTMB and TTUHSC) increased 81% (from 156 new filings to 282), and is on track to exceed

that rate with 238 new TDCJ and medical cases opened in FY 14 to date (Sept. 2013 – April 2014). These numbers do not include new filing against other client agencies.

The General Litigation Division (GLD) 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 changes to state agencies' federal entitlement funding changes, 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 provision of Medicaid services, foster care system, the state's system for assessing and providing services to develop mentally disabled adults in nursing homes, as well as four lawsuits challenging the constitutionality of the state's school finance system.

The workload of the Civil Medicaid Fraud Division (CMF) continues to increase as CMF takes action to address massive Medicaid fraud in dental and orthodontia care. CMF intervened in multiple litigation matters concerning dental and orthodontia providers located throughout the State of Texas and continues to investigate additional matters that are under seal. As part of the multi-agency Dental and Orthodontia Task Force, CMF is working closely with the OIG, HHSC, and MFCU to seek out and recover funds that were fraudulently obtained from Texas Medicaid. As anticipated, this continuing effort requires that CMF litigate similar issues in administrative forums, district courts, and the courts of appeals simultaneously, which demands a substantial amount of resources.

#### ***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.

### **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

|              |   |
|--------------|---|
| <b>Gap</b>   | <b>Change in Administration</b>   |
| 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 | <ul style="list-style-type: none"> <li>• Identify the core practice areas among the legal divisions.</li> <li>• Ensure that the agency's business continuity plan addresses any organizational change.</li> </ul>   |
| <b>Gap</b>   | <b>Need for long-term plan for career and leadership development among legal staff.</b>   |
| 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 | <ul style="list-style-type: none"> <li>• Cultivate an educated, skilled workforce within the agency by strengthening the training programs offered to the legal staff.</li> <li>• Implement professional development programs designed specifically for legal secretaries and legal assistants.</li> <li>• Identify employees who possess management and administrative potential.</li> </ul> |
| <b>Gap</b>   | <b>Need to improve technology and legal workplace skills.</b>   |
| 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 | <ul style="list-style-type: none"> <li>• Focus on technology training for staff</li> <li>• Continue to explore and offer programs that assist in litigation efforts</li> <li>• Train employees on technology tools available</li> </ul>   |

### 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.<br>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 2,671.4 authorized full-time equivalents (FTEs); approximately 80 percent are employed in field offices throughout the state and 20 percent at State Office in Austin. Field office staff members provide direct services for more than 1.4 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. The State Office includes staff that provide direct services, including customer inquiries, interstate case work, specialized enforcement services, and legal and appellate work. Other State Office staff provide 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, state parent locate services and coordination, and management of court cases)
- Legal skills
- 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
- Skills and expertise in emerging information technology and legacy systems

## **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 general population to more than double between 2010 and 2050, growing from 25 to 55 million. Texas also has a high birth rate (children per women): 2.34 vs. 2.05 for the U.S. (4th highest), which contributes to a significantly higher growth rate in the child population (ages 0-12) than any other state. This child population alone (ages 0 – 12) increased by 17.2 percent between 2000 and 2010 and will continue to grow at this rate in the coming years.

The Texas economy has generally fared better than the national economy. However, slightly more positive economic conditions in Texas will not offset unprecedented population growth, and economic optimism may be premature. The unemployment rate in Texas has fallen to 5.2%, down from the recession high of 8.3%; however, many workers are either working less or have dropped out of the labor market completely. Also, low-skilled manufacturing jobs as a percentage of total employment have been steadily decreasing over the years, and will continue to do so. These jobs are predominantly filled by males. In summation, structural changes in the labor market will make it harder for CSD to collect child support from low-skilled workers, especially males.

There have been significant geographic shifts in the client population since our field offices were established. The location and types of field offices are currently being realigned to pair the locations where clients live (e.g., based on zip codes) with field office locations (e.g., establishing Storefronts in communities). Another consideration in the plan to realign clients with services is to maximize the agency's ability to hire skilled workers. Criteria used to geographically relocate field offices include areas with:

- High staff retention rates
- State salaries competitive with private sector
  - Median income
  - Cost of living index
- Available workforce pool
  - Presence of higher education institutions to supply labor pool
- Bilingual labor pool

#### **Caseload Characteristics**

Child support caseloads increased 58% in the last ten years, and almost 22% in the last five years, while the authorized FTEs for the Child Support program have remained approximately

unchanged. The average caseload size for an Assistant Attorney General (AAG) working in CSD is 5,500 cases and 2,100 for a Child Support Officer (CSO). At the end of FY 2013, CSD had 1,417,694 active cases involving 1,650,397 children.

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 from 17% in FY 2003 to 4% in FY 2013. This is significant because when a custodial parent receives TANF benefits, the parent is required to apply for CSD services. This shift to more application-based customers, instead of automatic TANF referrals, leads to additional service needs.

Overall, 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. Currently, the majority of new cases (40%) are applications where the custodial parent requests CSD services. In FY 2013, 66% of new cases had children born out of wedlock. Seventy percent of new cases required establishment of paternity or an order for child support. The overall goal to establish paternity in 95% of born out of wedlock cases provides for a constant workflow.

CSD has also dramatically increased the percentage of the caseload with orders for support and now focuses on enforcement activities to ensure timely payment. CSD uses technology and process analysis to find ways to automate routine functions, such as issuing wage withholding orders. These technological advances allow for a change in the primary workload, with the focus now on cases requiring substantial manual activity in order to move them into routine payment status.

### **Changing Business Processes**

CSD is undertaking multi-year initiatives of technological and organizational changes to fulfill customer service expectations, handle increasing caseloads, compete effectively for federal incentive funding, and enhance the ability to make child support a consistent reality for more families. In FY 2009, CSD began a major project to improve the ways in which customers obtain services by developing a technologically advanced, flexible, and more automated caseload processing and management system to replace the legacy mainframe system in use since 1997.

In 2013, CSD implemented some of the technology designed to increase efficiency and reduce the time staff spends on routine tasks.

- **Virtual Case File:** The Virtual Case File is an electronic document management solution customized for the needs of the child support business process. The solution includes functionality allowing mass document ingestion from external partners as well as the ability to scan and import documents at an individual worker level. The documents are each categorized and placed within digital folders. The folders and contained digital documents are made searchable and accessible to all child support workers throughout the state, improving the effectiveness of each employee by

increasing speed of access to case information without being bound by the limitations of a physical case file room.

Going paperless frees up more than 65,000 square feet of file room space across the state. This opens up a number of opportunities such as converting the former file room space to office space, negotiating leases with reduced footprints, or rethinking our business model altogether.

- **Digital Mail:** This involves routing incoming mail to a centralized location for scanning and delivering mail to field offices electronically. This project has greatly reduced scanning work in field offices and increased speed and efficiency of mail delivery.
- **Outbound Messaging:** Automated court and CSRPs reminder calls are delivered by phone or text, reducing the need for staff to make these reminder calls.

The steps for moving the CSD vision forward are all designed to give staff more time and new tools to work as efficiently as possible, while ensuring customers have improved access to services. This undertaking will require several organizational changes currently in progress:

- Establish three statewide Customer Service Centers, handling the volume of calls currently routed through nine regional centers. A fourth call center is planned as an outbound center focusing on collection calls.
- Open new Storefront Service Centers in metro and rural areas based on customer population. As leases expire in metropolitan cities, existing field offices may be replaced by Storefront Service Centers.
- In metropolitan cities, we will house staff not assigned to Storefronts in a Consolidated Metro Office.
- Centralize case initiation.
- Realign Regional and Office boundaries to minimize staff and customer travel.

The largest component of CSD's ongoing process to improve services is developing a primary computer system to leverage new technology, providing a level of flexibility and responsiveness not available in the existing system with its 20-year-old technology. This multi-year initiative will, when completed, eliminate burdensome manual tasks, increasing CSD's ability to meet the needs of the steadily growing caseload. CSD will be even more effective, able to do more with static resources, make better decisions with more reliable data, and collect more support for the children of Texas.

To accomplish this, the CSD workforce will require training and skill building in new technology and business practices. The workforce of the very near future will be significantly different from that required today.

#### ***Future workforce skills needed***

CSD needs a flexible, highly-skilled workforce, able to respond to changing caseload requirements, customer needs, and advances in technology. In the immediate and long term future, CSD must hire people with critical workforce skills, including:

- Ability to learn and apply increasingly complex program policies to establish new support obligations and enforce court orders
- Project management and business analysis skills to oversee and direct complex projects across multi-functional areas
- Financial expertise to resolve inquiries on collection and disbursement activities
- Skills in emerging technology and legacy systems

***Anticipated increase in the number of employees needed to do the work***

As previously discussed, increases in population and changes in caseload characteristics may negatively impact current service levels if CSD continues to operate with the current staff levels. Therefore, implementing emerging technology solutions becomes increasingly vital.

**D. Gap Analysis**

***Anticipated surplus or shortage of employees***

No surplus of child support employees is anticipated. The expected child support caseload growth could lead to shortages in certain skilled staff needed to maintain current service levels (approximately 6,000 cases per month). Shortages may also occur due to retirement eligibility factors and increases in caseload complexity.

Thirty-six percent of CSD employees will be eligible for retirement between FY 2014 and FY 2020, including 43 percent of State Office, 43 percent of Information Technology, and 36 percent 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. As tenured staff members retire, there is a risk of loss in legacy mainframe system knowledge and skills.

CSD requires staff with existing child support systems knowledge in the short term, and familiarity with emerging technology for the long term. Further, all staff need the flexibility to respond to customers’ changing needs. To meet the 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 Program.

**E. Strategy Development**

| Gap | Workforce Retention and Recruitment                            |
|-----|--|
|     | Ensure leadership continuity, program knowledge retention, and |

|              |  |
|--------------|--|
| Goal         | effective recruitment for key positions.   |
| Rationale    | <p>Effective sharing of knowledge and skills is critical to ensure smooth transitions, develop new leaders and experts, and not impede organizational work and processes. Some workforce challenges:</p> <ul style="list-style-type: none"> <li>▪ Technology-related positions are difficult to fill in Austin’s unique job market</li> <li>▪ Jobseekers new to the workforce expect businesses to adopt technology solutions consistent with consumer technology (e.g., social media) and flexible working arrangements</li> <li>▪ New staff expect advanced technology</li> <li>▪ Metropolitan areas have higher turnover</li> <li>▪ Retirement eligible workforce growing among experienced staff</li> </ul>  |
| Action Steps | <ul style="list-style-type: none"> <li>• Develop recruitment strategies to attract qualified candidates, especially for difficult-to-fill positions with skills needed in emerging technologies</li> <li>• Plan and execute a streamlined training curriculum to prepare new employees faster, with a special emphasis in metropolitan areas</li> <li>• Identify employees with critical knowledge, and initiate knowledge transfer efforts through cross-training and mentoring</li> <li>• Enhance staff development through effective modular units and alternative training methods, i.e., online modules, webinars and video conferencing</li> <li>• Maintain an effective and active Mentoring Program</li> <li>• Consider hiring and recruitment possibilities when locating new Storefronts or moving existing offices</li> </ul> |
| <b>Gap</b>   | <b>Increasing Caseload Volume and Complexity</b>   |
| Goal         | Satisfy increasing customer service expectations, handle increasing caseloads, and compete effectively for federal incentive funding.  |
| Rationale    | <p>Customers are requesting new or expanded services (e.g., medical support enforcement, registry services, and family programs). Some workforce challenges:</p> <ul style="list-style-type: none"> <li>▪ Greater needs for electronic access and services</li> <li>▪ Growing expectations associated with enforcement cases</li> <li>▪ More complex legal issues</li> </ul>   |
| Action Steps | <ul style="list-style-type: none"> <li>• Enhance self-service options for parents, employers, and other business partners</li> </ul>   |

|              |  |
|--------------|--|
|              | <ul style="list-style-type: none"> <li>• Enable a mobile workforce; significantly enhance options to enable staff and appropriate business partners to do their work “anytime from anywhere”</li> <li>• Enhance training to build enforcement services and emerging technology knowledge, skills and ability</li> <li>• Continue to implement the TXCSES 2.0 Initiative aimed at improving the ways in which our customers obtain services and eliminating burdensome manual tasks</li> </ul>  |
| <b>Gap</b>   | <b>Increasing Need for Emerging Information Technology Skills</b>  |
| Goal         | Use technology to increase customer satisfaction with services and access to information, and maximize the efficiency of staff.  |
| Rationale    | <p>CSD requires staff with knowledge of existing child support systems, familiarity with emerging technology, and the flexibility to respond to customers’ changing needs. Some workforce challenges:</p> <ul style="list-style-type: none"> <li>▪ Highly desirable information technology (IT) skills are difficult to attract and maintain in Austin’s unique job market.</li> <li>▪ A large number of IT staff will be eligible to retire during the next biennium. Staff eligible to retire have significant legacy mainframe system expertise. Technology used currently is outdated, which makes it challenging to attract new workers with these skills.</li> <li>▪ CSD’s systems are large and complex. Several of these systems are highly specialized and require time for staff to acquire proficiency.</li> </ul>  |
| Action Steps | <ul style="list-style-type: none"> <li>• 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</li> <li>• Develop workplace strategies to make working for state government more attractive (e.g., enable a mobile workforce)</li> <li>• Develop strategies for expanding the IT skill base and computer literacy of all users</li> <li>• Collaborate with external partners, including other state agencies, employers, and vendors to evaluate trends, leverage resources, optimize interfaces, and increase efficiencies</li> <li>• Provide training in critical technical areas and develop cross-functional IT teams to increase the development of subject matter experts</li> </ul> |

## **IV. WORKFORCE STRATEGY - CRIME VICTIM SERVICES**

### **A. Crime Victim Services Overview**

#### *Strategic Goals and Objectives*

|             |  |
|-------------|--|
| <b>Goal</b> | <b>Provide services and information to victims of crime in a caring, sensitive and efficient manner.</b> |
| 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 Program also maintains regional offices in Dallas, El Paso, Houston, and San Antonio. Each regional office is staffed by one employee (a regional coordinator). The Grants Administration Division (GAD) is located in Austin.

Staff is dedicated to two main functions: direct victim compensation and victim assistance grants. The majority of the workforce under these strategies supports the compensation function. In FY 2013, 36,385 applications were received and over \$60.5 million was paid to or on behalf of victims of crime. The staff determines eligibility, reviews claims for awards, 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 workforce support the Grants Administration Division (GAD) victim assistance grants function, the Address Confidentiality Program and the executive and administrative functions. GAD staff administers 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 2013 turnover rate in CVSD (14.31 percent) is lower than the statewide turnover rate for FY 2013 (17.6 percent) 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. Additionally, staff under the age of 30 and those with fewer than two years of state service are exiting state government at a higher rate than individuals in other groups – citing low pay and benefits and poor working conditions. Regardless of the reason 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. Recently, the amount of applications received has decreased. It is unclear if this trend will continue.

### **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. In 2013, human trafficking victims became eligible for ACP. 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 and impact the workload of CVSD employees. Additionally, CVSD needs employees with contract management experience or training to ensure proper management of the contract.

### **Grants and Contracts**

For FY 2014-2015, the Legislature appropriated \$98 million for the OAG victim services program, which provides grant/contract funds 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 2014, 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 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 contracted SANE trainers. 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. The OAG continues to monitor training requests to ensure that adequate training resources are available.

## **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.

## **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, starting in FY 2012 CVC began updating the division's workflow and documentation system. Work will continue through FY 2014-2015 to improve current business processing systems, further refine core data management processes, and develop new automated web-based systems to replace underdeveloped and outdated systems. To continue these upgrades 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**

| <b>Gap</b>   | <b>Increased Demands for Victim Services</b>  |
|--------------|---|
| 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 | <ul style="list-style-type: none"><li>• Identify ways to improve efficiency of current staff through organizational change and the use of technology.</li><li>• Automate processes for victim compensation where possible.</li><li>• Work with other state agencies to streamline the compensation, address confidentiality, and grant/contract processes where possible.</li></ul> |
| <b>Gap</b>   | <b>Critical Skill Development</b>   |
| Goal         | Develop new competencies/employee skill sets and maintain a well-trained workforce.   |

|              |   |
|--------------|---|
| <b>Gap</b>   | <b>Increased Demands for Victim Services</b>  |
| Rationale    | The training and development of current employees is critical to the success of the agency in delivering crime victim services.   |
| Action Steps | <ul style="list-style-type: none"> <li>• Identify new skill sets required as a result of program changes or technological advancements.</li> <li>• Expand training curriculum to include programs such as change management, effective leadership, project management, and strategic planning.</li> <li>• Identify candidates from which to pull future leaders and prepare them to move into jobs with higher level skill requirements.</li> <li>• 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.</li> <li>• Promote the transfer of knowledge through cross functional training, mentoring programs, and enhancement of written procedures.</li> <li>• Hire replacement staff with advanced financial and database experience as positions are vacated.</li> </ul> |
| <b>Gap</b>   | <b>Information Technology Skills</b>  |
| 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 | <ul style="list-style-type: none"> <li>• Recruit employees with highly technical skills to further develop and refine the information management systems.</li> <li>• Enhance the infrastructure with new technologies and implement organizational changes to keep up with increased workloads.</li> <li>• Explore and identify available technologies to address the needs of the compensation and address confidentiality.</li> <li>• Collaborate with other agencies to further e-government directives.</li> <li>• Develop strategies for expanding the computer skills of staff.</li> </ul>  |
| <b>Gap</b>   | <b>Employee Recruitment and Retention</b>   |
| Goal         | Become an employer of choice.   |
| Rationale    | To recruit and retain talented employees, the OAG must be competitive in the market for skilled workers.  |

| <b>Gap</b>   | <b>Increased Demands for Victim Services</b>  |
|--------------|---|
| Action Steps | <ul style="list-style-type: none"><li>• Focus on rewarding exceptional performance, providing a structured approach to staff development and creating a culture that supports innovation and excellence.</li><li>• Utilize pay incentives, where appropriate, to attract and retain staff.</li><li>• Adjust salaries within assigned pay ranges for employees in positions that are either critical functions or have high turnover rates.</li><li>• Continue to allow employees who are seeking new challenges to work on special projects, rotations, and/or developmental assignments.</li><li>• Promote lower level employees into positions with increasing levels of skill to advance development.</li><li>• Assess workplace environment and survey staff to prioritize suggested improvements.</li><li>• Continue to support staff participation in agency and division-wide events.</li><li>• Encourage staff recognition and award systems.</li></ul> |

## 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 Office of the Attorney General which carries out two 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. 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 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.

|             |   |
|-------------|---|
| <b>Goal</b> | <b>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.</b>  |
| Objectives  | <ul style="list-style-type: none"> <li>• Review complaints and conduct criminal investigations into allegations of fraud committed by Medicaid providers.</li> <li>• Review complaints and conduct criminal investigations of allegations of abuse and neglect that occur in facilities that receive Medicaid funding.</li> <li>• Review complaints and conduct criminal investigations of allegations of the misappropriation of patients' private funds in facilities.</li> <li>• Prosecute fraud, abuse/neglect cases either in federal or state court when requested and authorized by local prosecutors.</li> <li>• 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.</li> <li>• Support and participate in global and multi-state civil litigation to enhance monetary settlements from nationwide corporate providers.</li> </ul> |

### 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 23 percent of the division's total staff, the Corpus Christi office represents 5 percent, the Dallas office represents 16 percent, the El Paso office represents

4 percent, the Houston office represents 25 percent, the Lubbock office represents 3 percent, the McAllen office represents 9 percent, the San Antonio office represents 9 percent, and the Tyler office represents 6 percent of the unit's total staffing. The unit's staffing consists of four distinct disciplines that play a role in ensuring the unit functions at an efficient level in order 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 19 percent administrative staff, 21 percent investigative auditors, 9 percent attorneys, and 51 percent investigators. Approximately 74 percent of the unit's investigative staff is commissioned peace officers, which enhances 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 each case worked. The division also utilizes medical consultants and specialists on an as-needed basis to assist with thorough investigation 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)

## **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 care 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***

As the Texas Medicaid program continues to grow in size and complexity, there are 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.

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***

MFCU anticipates that the future workforce skill requirements will remain much the same as they are now. The unit will continue to need analysts, attorneys, auditors, peace officers, nurses 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***

MFCU is committed to placing staff where the fraud, abuse and neglect (crime) are occurring, thus constantly improving pro-activity and response time to protect Texas' Medicaid funding and the citizens who rely on the Medicaid program for health care. 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.

**D. Gap Analysis**

*Anticipated surplus or shortage of employees*

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 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. Additionally, it is difficult for the OAG to match salaries offered by other governmental entities or the private sector.

*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 offering 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  |
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| 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. |

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| <b>Gap</b>   | <b>Employee Turnover</b>   |
| Action Steps | <ul style="list-style-type: none"> <li>• Work with staff within and outside the OAG to seek support to increase our out-of-state travel cap.</li> <li>• Continue to work to gradually increase the salary levels of MFCU staff.</li> <li>• Continue to develop and improve our internal training program.</li> <li>• Recruit and bring in outside speakers to enhance our knowledge and skills.</li> <li>• 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.</li> </ul>  |
| <b>Gap</b>   | <b>Skills for identifying qualified applicants</b>   |
| 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 | <ul style="list-style-type: none"> <li>• Reward top performers and utilize pay incentives (raises and bonuses).</li> <li>• Enhance staff development and allow staff to participate in the process as much as possible.</li> <li>• Promote from within as frequently as possible and establish expectations for staff on necessary steps to get to the next level.</li> <li>• Continue the Relief Manager Program to afford real-time managerial experience to selected investigators and auditors.</li> <li>• Continue to solicit input from staff regarding how to improve the unit and implement their suggestions/recommendations when feasible.</li> <li>• Utilize our annual training conference as staff recognition and reward mechanism.</li> <li>• 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.</li> </ul> |
| <b>Gap</b>   | <b>Need for employee development.</b>  |
| 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.   |

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| <b>Gap</b>   | <b>Employee Turnover</b>  |
| Action Steps | <ul style="list-style-type: none"> <li>• Establish a training and development budget for every MFCU staff member.</li> <li>• 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.</li> <li>• Ensure that managers and employees work together to monitor the employee's progress toward agreed upon development strategies.</li> </ul>  |
| <b>Gap</b>   | <b>Strengthen relationships with prosecutors' offices across the state.</b>   |
| 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 | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Work more closely with the district and county attorneys and U.S. Attorneys' Offices during investigation and throughout prosecution of cases.</li> <li>• Train staff to identify illegally held assets to support a forfeiture action.</li> <li>• Continue to support with attorneys, analysts and auditors the global and multi-state litigation coordinated through the National Association of Medicaid Fraud Control Units.</li> </ul> |