

Appendix E: Workforce Plan

Office of the Attorney General • Fiscal Years 2012-2013

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 nearly 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- two percent (919.15) of the OAG's current FTEs directly staff the Legal Services Strategy. Most of this staff is located in Austin; however, seven regional consumer protection offices are operated throughout Texas, located in Dallas, San Antonio, El Paso, Houston, Lubbock, McAllen and Austin.

The Texas Family Code designates the Office of the Attorney General as the state agency tasked with administering Texas' federally mandated child support enforcement services program under Title IV-D of the Social Security Act. This strategy represents the largest percentage of OAG employees, with approximately 64% (2,643.87) of the OAG's current FTEs. The OAG provides child support services across the state through 66 field offices and eight customer service centers.

The Attorney General is also assigned the responsibility for administering the Crime Victims' Compensation Program. Three percent (138.05) of the OAG's current 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 Amarillo, 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 five percent (190) of the OAG's current FTEs, this strategy serves as a deterrent to criminal fraud and other criminal activity in the State Medicaid Program by conducting investigations and, in certain instances, prosecutions of 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 and 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, support services, human resources and information technology support. Instead, like other statewide elected officials, 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.

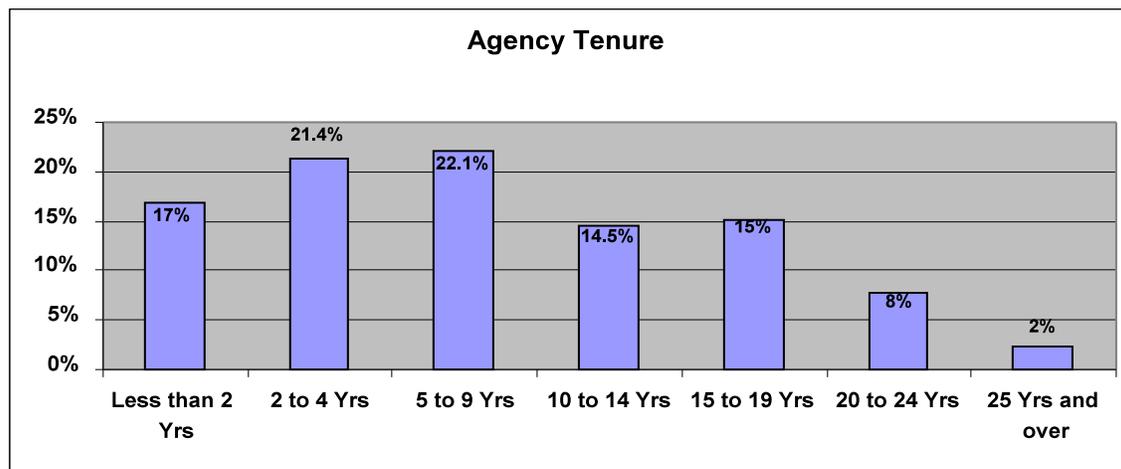
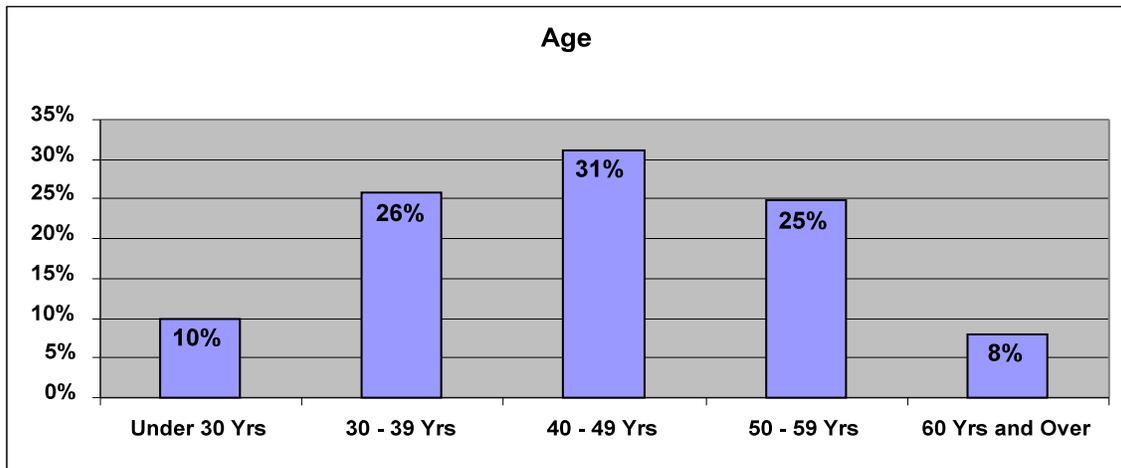
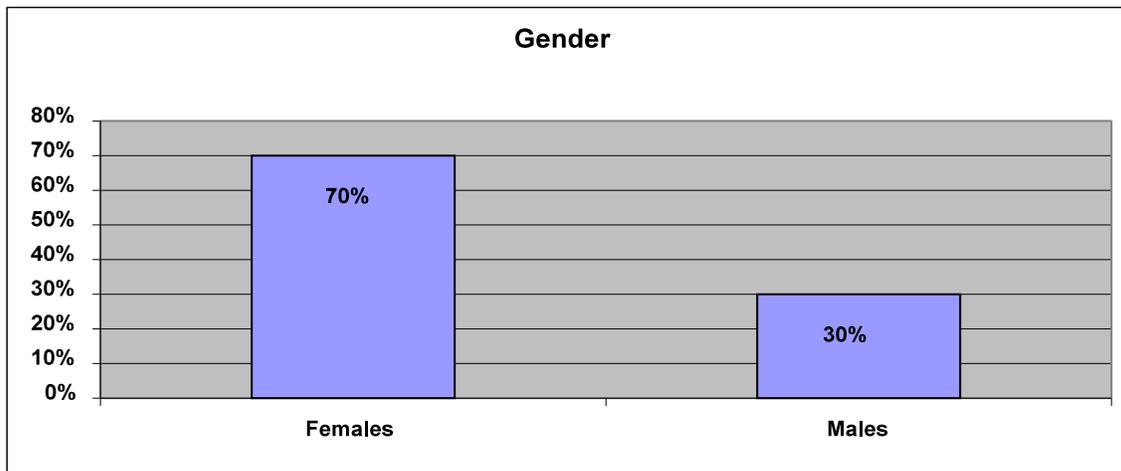
A. Goals and Objectives

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. [Tex. Const. art. 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, Subchapter E and G]
Goal 4	Refer 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 [Section 412.0111, Labor Code].
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 Gov't Code, Title 10, Subtitle D, Section 2161.181]

B. Current Workforce Profile

Workforce Demographics

The following charts are profiles of the agency's workforce as of May 1, 2010. The charts include full-time and part-time employees. The OAG workforce consists of 30 percent male and 70 percent female. Sixty-four percent of OAG employees are over the age of 40. Thirty-eight percent of the employees have less than five years of state service. Thirty-six percent have between 5 to 14 years of state service, and twenty-five percent have over 15 years of state service.



The following table compares the percentage of African American, Hispanic and female OAG employees (as of May 1, 2010) 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.

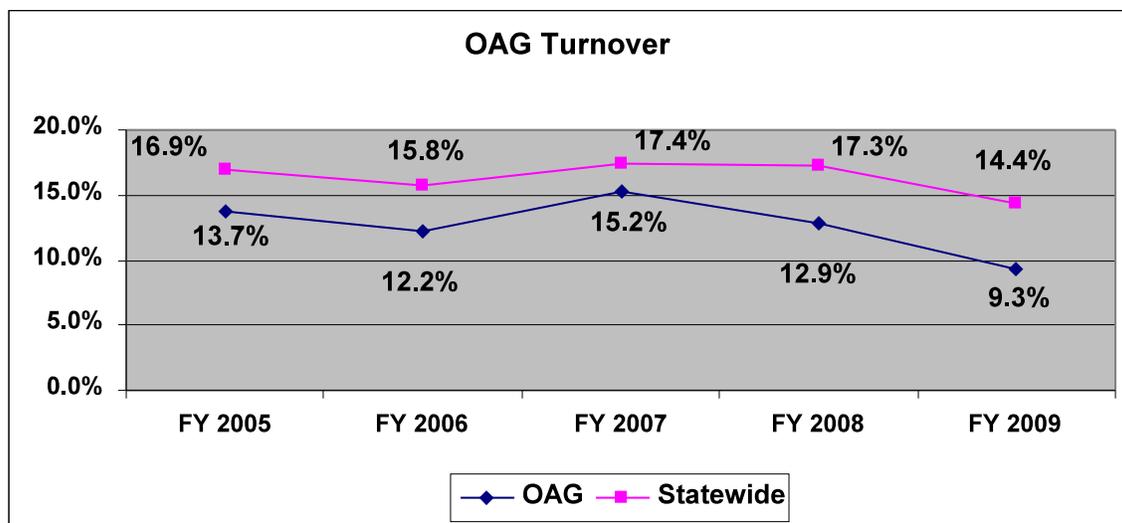
Job Category	African American		Hispanic		Female	
	OAG %	State %	OAG %	State %	OAG %	State %
Officials, Administration	8.0%	9.0%	21.0%	23.7%	51.0%	38.8%
Professional	8.0%	11.7%	20.0%	19.9%	51.0%	54.5%
Technical	7.0%	17.0%	29.0%	27.0%	37.0%	55.6%
Administrative Support	16.0%	13.2%	45.0%	31.9%	86.0%	66.2%
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 Paraprofessionals categories are combined with the Service and Maintenance category.

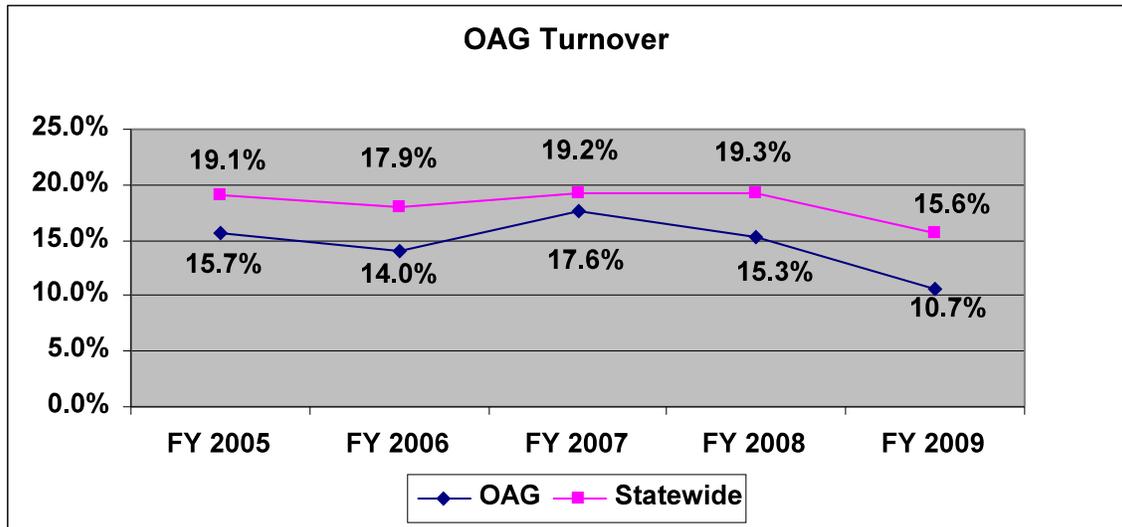
The demographics of the OAG workforce are statistically representative of the Texas Labor Pool. There is only one job category which reflects significant under-representation. That category is the under-representation of "Female Technical" in the OAG. One other category with under-representation is "African American Technical." The under-representation of Hispanic Service and Maintenance, African-American Professional and Female Professional categories are considered minimal. The office has only one position in Skilled Craft, so this category is not considered statistically significant.

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 '05 through FY '09 is below.



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



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

D. Potential Retirement Eligibility Impact

An analysis of the Office of the Attorney General (OAG) staff tenure and leave records indicates that 270 staff members, or approximately 6 percent of the agency's workforce, currently are or will become eligible to retire during Fiscal Year 2010, under the state's "Rule of Eighty" criteria.¹ As Table A on the following page indicates, the OAG's Medicaid Fraud Control, Crime Victims Services divisions and Legal Services Strategy all have a 7 percent potential exposure loss of staff due to employees in those strategies reaching retirement eligibility by the end of FY2010.

Between FY2010 and FY2015, approximately 22 percent, or 904, of the OAG's staff are anticipated to become eligible for retirement under the "Rule of Eighty." Child Support Enforcement with 583 eligible employees (22%) and Legal Services Strategies with 260 eligible employees (20%) are at the highest risk of losing employees to retirement during this period.

Table B shows the estimated number of agency staff, in select classified position series, who will reach retirement eligibility during the FY2010 through FY2015 period. Approximately 39 and 29 percent of the agency's directors and managers, respectively, are projected to reach retirement eligibility during this period. Twenty-six percent of the agency's legal assistants are projected to reach retirement eligibility during this same time.

¹ These estimates are based on the number of staff on the OAG's payroll as of March 31, 2010. 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 91 rehired state retirees in the OAG's employ as of the end of March 2010 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 31, 2010.

TABLE A

Number of OAG employees projected to be eligible to retire by fiscal year using rule of 80										
Strategy Area	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	Total Eligible	Total Staff by Area¹	% Eligible in FY2010	% Eligible Between FY2010 & FY2015
Child Support	159	70	73	95	91	95	583	2,657	6%	22%
Crime Victims Services	9	7	2	4	3	3	28	137	7%	20%
Legal Services ²	88	26	29	34	35	48	260	1,181	7%	22%
Medicaid Fraud Control	14	5	1	3	5	5	33	191	7%	17%
Agency Total	270	108	105	136	134	151	904	4,166	6%	22%

¹Count is of filled positions as of 3/31/10, includes rehired retirees; excludes vacant positions.

²Includes Internal Audit, Public Information Coordination, and Intergovernmental Relations staff.

TABLE B

Number of OAG employees by selected classification series projected to be eligible to retire by fiscal year using rule of 80										
Classifications	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	Total Eligible	Total Employees by Classification Series¹	% Eligible in FY2010	% Eligible Between FY2010 & FY2015
Administrative Assistants	22	10	7	11	6	14	70	288	8%	24%
Assistant Attorneys General	57	15	23	19	20	22	156	721	8%	22%
Child Support Officers	58	33	26	49	42	40	248	1,270	3%	20%
Child Support Technicians	16	9	9	7	4	11	56	366	4%	15%
Directors ²	7	2	5	1	4	6	25	64	11%	39%
Investigators	12	8	5	2	7	6	40	262	5%	15%
Legal Assistants	4	0	4	5	5	7	25	98	4%	26%
Legal Secretaries	4	1	1	3	3	2	14	91	4%	15%
Managers	16	1	3	5	6	6	37	126	13%	29%

¹Count is of filled positions as of 3/31/10, includes rehired retirees; excludes vacant positions.

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

TABLE C

Rehired state retirees as a percentage of OAG workforce as of 3/31/10			
OAG Strategy	Total Employees as of 3/31/10	# of Rehired State Retirees	State Retiree Rehires as % of Total Employees
Child Support	2,657	38	1.4%
Crime Victims Services	137	2	1.5%
Legal Services	1,181	35	3.0%
Medicaid Fraud Control	191	16	8.4%
Agency Total	4,166	91	2.2%

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 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 IT Security.
- Legal Education
- Peace Officer Education
- Employee Development

The Child Support Division has a training section dedicated to providing essential training to approximately 2,600 employees. Training is delivered in the classroom and via the Internet, video conferencing, CD-ROMs as well as online on-demand.

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
- Child Support Outreach
- Volunteer Program

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

The **Law Clerk Program** encompasses two aspects of attorney employment: summer law clerks and volunteer law clerks. The hiring considerations for these programs include: grade point averages, class rank, writing ability, previous legal experience and genuine interest in public service work.

Summer law clerks and volunteer law clerks are law students who wish to spend at least six weeks working at the OAG. They work alongside senior attorneys, gaining hands-on experience in their areas of interest. As in a traditional clerkship program, law clerks will be expected to research and write legal memoranda.

Recruiting includes participating in on-campus interviews at various Texas law schools, attending public service career events and accepting mailed applications from out-of-state law schools.

The **Outreach and Volunteer Programs** have a two-fold mission: to provide community outreach and to recruit volunteers and interns to work in child support offices. Volunteers and interns

augment full time staff with invaluable support and assistance 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.

By promoting the exciting opportunities available at the OAG, the office hopes to attract people who are interested in both short and long-term service with the agency.

G. Retention

The OAG anticipates the loss of institutional knowledge and expertise due to a variety of factors including turnover, retirement and a competitive private sector market. To minimize this loss, the OAG will continue to provide and promote the following retention and recruitment programs:

Payment of Professional Certifications and License Fees

For certifications or licenses that are directly or substantially related to the individual employee's business function in the agency, the OAG will reimburse certain professional fees paid by OAG employees.

Flex Time (Optional Work Hours Program)

The goals of this program are to reduce absenteeism and turnover, enhance recruitment, increase productivity and morale, improve customer service, increase cross-training and maximize parking availability. The employee should benefit from a more personalized work schedule with greater control over personal time and increased flexibility and job satisfaction.

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 be awarded performance leave for outstanding performance as an individual. This leave is in addition to other leave accruals.

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 healthy activities and provide information about healthy behavior.

Education and Training

The OAG provides 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.

H. Succession Planning

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

Administrative and Legal Divisions

Each administrative and legal division designates one person to be the office manager. The office managers are responsible for administrative functions and usually supervise support staff. Office managers typically have assistant office managers except in the smallest divisions. The assistants are essentially designated development positions that provide for trained succession when turnover occurs.

For other managerial and supervisory positions, the OAG relies on 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

The deputy attorney general for child support heads the Child Support Division which is divided into five business sections (i.e., Field Operations, Contract Operations, Strategic Operations, Family Initiatives and Legal Counsel.) A deputy director manages each section at the division's State Office in Austin. Each deputy director reports to the deputy attorney general for child support. The deputy director for field operations is also the deputy director for child support.

For the actual delivery of child support services, the state is divided into nine regions with a total of 66 individual field offices and eight regional call centers. Each region is managed by a regional administrator who reports to the deputy director for field operations. Within each regional office, a senior regional attorney, an executive assistant, and administrative staff report to the regional administrator. In each of the division's 66 field offices, a managing assistant attorney general and an office manager oversee a unit's daily operations and manage a staff of assistant attorneys general, child support officers, a supervisor, and administrative personnel. In a field office, the supervisor reports to the office manager. The office manager answers to the managing assistant attorney general who reports to the regional administrator. Each regional call center is supervised by an office manager who answers to the regional administrator.

Since the Child Support Division is a hierarchal organization as described above, succession planning is accomplished primarily through career ladders. 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 State Office 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. While high turnover has been a challenge in the past for the agency, in the last several years the OAG has seen a significant reduction in turnover rates in all three components of the critical workforce. From FY 2008 to FY 2009:

- The turnover rate for AAGs in Legal Services Divisions has decreased from 16.0% to 9.7% ;
- The turnover rate for legal assistants decreased from 14.4% to 5.2% ; and
- The turnover rate for legal secretaries decreased from 11.2% to 8.4%.

The decrease in turnover rates can likely be explained by two factors: the downturn in the economy coupled with the scarcity of comparable legal-related positions and the continued positive effects of the increases in salary provided by the Legislature to the OAG for attorneys and all state employees during the 2005 and 2007 sessions. Still, the reason for departure most frequently cited by legal staff is salary-related.

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, 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 office issued over 1,000 rulings in one month for the first time in 2004. This pace has increased each year; in FY 2009, the OAG issued 18,038 rulings. This volume increase requires Executive Management to continually assess the number of AAGs assigned to devote to this statutory duty.

The Postconviction Litigation Division is experiencing an increase in workload as the result of, among other things, court rulings on the constitutionality of executions. These court rulings have resulted in an increased volume of evidentiary hearings on postconviction filings in state and federal courts. More evidentiary hearings are also being conducted in non-capital cases on such claims as ineffective assistance of counsel. In addition, the Attorney General has also heightened the attention and increased resources dedicated to criminal justice. The Criminal Prosecutions Division is staffed by prosecutors who practice in both state and federal courts in Texas. These prosecutors handle cases pursuant to the Attorney General's original criminal jurisdiction, when original jurisdiction is provided by Texas law; pursuant to concurrent criminal jurisdiction with district and county attorneys, when concurrent criminal jurisdiction is provided by Texas law; and pursuant to requests for assistance from local prosecutors and offers of assistance to local prosecutors. The division also works cooperatively with the U.S. Attorneys' Offices in the four federal districts in Texas, and prosecutors in the division appear in federal court as Special Assistant United States Attorneys. Furthermore, the division also coordinates investigatory and prosecutorial assistance to local prosecutors throughout Texas. These resources are applied in the areas of criminal investigations, criminal prosecutions and state postconviction proceedings. This volume creates an FTE issue with the number of AAGs available to devote to these statutory duties.

The Environmental Protection and Administrative Law Division has seen an increase in cases and referrals from state administrative agencies. As an example, the Texas Commission on

Environmental Quality (TCEQ) has indicated that their number of enforcement referrals to the OAG will be increasing. We have also seen an increase in the complexity of cases referred by the TCEQ.

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 as 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 82nd 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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.
Objectives	<ul style="list-style-type: none"> • 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 approximately 2,640 full-time equivalents (FTEs); 80 percent are employed in Field Offices and 20 percent in the Austin State Office. Field staff provide direct services for more than 1.2 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 staff services include some centralized child support services (i.e., appeals, interstate case work, written customer inquiry services) 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. Maintenance of a professional workforce with the skills needed to meet ongoing business objectives and goals is critical. Critical workforce skills include the following:

- 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
- Knowledge of applicable federal and state laws and regulations
- Contract, grant, and project management skills
- Management of high volume casework in a changing environment
- Customer service and complaint resolution skills
- Advanced information technology skills and familiarity with new technology
- Programming and data entry skills within the current legacy system
- 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, federal mandates, and business process needs may impact division operations.

Demographics

Changes in population and job markets can affect caseload volume, types of cases, and the payment of child support. Projections by the Texas Comptroller of Public Accounts indicate significant population increases for the state. And, job market trends indicate increases in unreported and underreported income. These factors result in a larger caseload, which can lead to an increased need for collecting child support payments for families.

Caseload Characteristics

Changes in caseload characteristics have resulted in adjustments to CSD services. The percentage of active referral-based Temporary Assistance to Needy Families (TANF) cases within the child support caseload continues to decrease. The shift to more application-based customers leads to additional service needs and heightened customer expectations. CSD customers now have increased expectations of the division, different service needs, and they have come to expect the ease and convenience provided by access to internet services. To meet expanded needs for electronic access, CSD is leveraging technology to enhance its web-based service and designing new electronic functions. These enhancements will include convenient self-service features and automated appointment notifications.

Federal Mandates related to Medical Support

The division's federal oversight agency, the federal Office of Child Support Enforcement (OCSE), has instituted new reporting requirements related to medical support, medical coverage, and Medicaid eligibility. These mandates will require extensive programming and operational changes, which are often costly and time-consuming to effectuate.

Business Processes

CSD is comprehensively studying all core business processes and looking for efficiencies to better use staff and technology. It is critical that IT strategies align with our business processes as we invest in technology that takes us into the future. This will inevitably involve identifying and training new skills and realigning the skill sets required of different positions. As a result of this process, our workforce will continue to evolve.

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:

- Skilled staff with the ability to analyze business processes and performance to improve operational effectiveness
- Highly-trained child support staff, able to understand and apply complex program policies to establish new support obligations and enforce court orders
- Staff able to adapt to high volume casework and a rapidly changing environment
- Skilled project managers, able to oversee and direct complex projects that cross multi-functional areas
- Well-prepared financial specialists, able to respond to inquiries on collection and disbursement activities and make necessary adjustments to automated systems
- Competent customer service staff, able to respond to complex inquiries on case status and payment activity
- Knowledgeable information technology staff, able to adapt to advanced technology and meet changing customer needs

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 may negatively impact current service levels.

D. Gap Analysis

Anticipated surplus or shortage of employees

No surplus of child support employees is anticipated. Shortages may occur due to retirement eligibility factors and increases in caseload volume and complexity.

Nineteen percent of CSD employees will be eligible for retirement between FY2008 and FY2013, including 29 percent of State Office, 21 percent of Information Technology, and 18 percent of Field Office employees. Retirements of these tenured staff will negatively impact the pool of qualified employees. As retirement eligibility continues to rise, it is critical that CSD identify and transfer child support knowledge and skills through its mentoring program. Anticipated child support caseload growth may lead to shortages in staff needed to maintain current service levels. State FTE caps are expected to remain in place, which causes greater demands on current staff.

Anticipated surplus or shortage of skills

No surplus of skills is anticipated. Shortages may occur due to staff retirements, changing caseload characteristics, and increased needs for grant and contract management and information technology skills.

As our workforce ages, many seasoned staff are retiring, taking with them program knowledge and critical skills. CSD is responding to this challenge through the Mentoring and Management Program (M&M). In operation since FY 2005, this program has increased the pool of skilled and motivated staff within CSD.

CSD staff must also build their skill sets in contract management. The number of vendor relationships is expected to increase. CSD will develop specialized contract management skills among staff to support growth in these areas.

CSD requires staff with knowledge of existing child support systems, familiarity with current and advanced 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, and develops subject matter experts.

E. Strategy Development

Gap	Workforce Retention and Recruitment
Goal	Develop strategies to ensure leadership continuity, program knowledge retention, and effective recruitment for key positions.
Rationale	<ul style="list-style-type: none"> • Extensive program knowledge and critical skills may be lost due to staff retirements. • Knowledge transfer is critical for CSD to develop new leaders and experts. • Efforts are needed to retain qualified and experienced CSD staff. • Field positions experience high turnover rates in metropolitan areas with robust job markets. • New staff expect increased communication tools and advanced technology. • CSD must develop creative ways to reach the workforce and deliver training. • CSD staff demographics are changing to reflect a shorter tenured trend.
Action Steps	<ul style="list-style-type: none"> • Continue improvements to and participation in the Mentoring and Management Program (M&M). • Identify employees with critical knowledge and strengthen knowledge transfer efforts through cross-training and mentoring. • Define workforce competencies and standardize employee performance plans and evaluations to support staff development. • Continue staff development through web-based training and video conferencing. • Enhance training delivery through increased modular units and alternative training methods. • Provide a streamlined training curriculum to get new employees prepared sooner. • Support the use of communication tools and advanced technology. • Provide more opportunities for career advancement. • Develop strategies for mobilizing the workforce, including the use of technology to improve access and performance. • Develop a recruitment strategy for attracting a younger workforce to difficult-to-fill positions.

Gap	Increased Need for Skills to Support a Changing Caseload
Goal	Meet the needs of a changing caseload.
Rationale	<ul style="list-style-type: none"> • Customer expectations associated with enforcement cases continue to 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	<ul style="list-style-type: none"> • Increase training opportunities for enforcement skills and complex technical knowledge. • Distribute "best practices" statewide. • Build and maintain effective relationships with other agencies and the private sector. • Explore new technology initiatives to improve systems and processes. • Synchronize technology among external partners and systems. • Expand and enhance self-service models for customers.
Gap	Increased Need for Business Operations Management
Goal	Develop and effectively manage business operations, contracts and grants.
Rationale	<ul style="list-style-type: none"> • CSD requires skilled staff to monitor and evaluate business processes and identify needed process enhancements. • Federal mandates, FTE limitations and outsourcing trends may increase the use of contractors. • CSD manages a number of complex contracts (e.g., State Disbursement Unit and Medical Support enforcement services). • Staff must increase focus on contract management, development and monitoring. • With assistance of the agency's Grants Administration Division, CSD continues to apply for and receive federal grant awards. Adequate oversight of these funds is essential.
Action Steps	<ul style="list-style-type: none"> • Develop specialized business process monitoring and evaluation skills to improve operational effectiveness. • Develop specialized contract and project management skills. • Develop contract quality assurance and monitoring skills. • Provide training to external entities that provide services under contract (e.g., statutory requirements and TXCSES skills). • Expand monitoring function for contracts and grants.

Gap	Increased Need for Information Technology Skills
Goal	Use technology to increase customer access to information and satisfaction with services and maximize efficiency of existing staff.
Rationale	<ul style="list-style-type: none"> • CSD requires staff with knowledge of existing child support systems, familiarity with advanced 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 it takes time to acquire proficiency. • 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 CSD technology architecture. • Efforts are needed to identify and categorize 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	<ul style="list-style-type: none"> • Provide training in critical technical areas and educate cross-functional teams to increase the development of subject matter experts. • Develop strategies for expanding the IT skill base and computer literacy of all users. • Increase subject matter expertise by fully engaging staff in M&M. • Develop strategies to ensure efficient use of new technologies. • Improve internal processes to reflect recognized industry standards and remain current with the latest technological advances (e.g., web-based applications and wireless technology). • 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/contracts 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 or contracts, 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 workforce under the Crime Victims' Compensation and Victims Assistance strategies is located primarily in Austin. CVC also maintains regional offices in Amarillo, Dallas, El Paso, Houston and San Antonio. The regional offices are staffed by one employee (a regional coordinator). Staff is dedicated to two main functions: direct victim compensation and victim assistance grants and contracts. Approximately 75 % of the workforce under these strategies supports the compensation function, where staff manages nearly 55,000 active compensation claims annually. The staff determines eligibility, reviews expenses, 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 victim assistance grants and contracts function, the Address Confidentiality Program and the executive and administrative functions. Grants and contracts staff administer the grants 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 temporary employees and 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
- Nurses
- System Analysts
- System Programmers

The turnover rate in CVSD is comparable to the FY 2009 (15.6%) and FY 2008 (19.3%) 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. Retirements for the Awards section may have a larger impact due to the number of employees eligible for retirement and the types of positions the employees hold. 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 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 FY2010-2011, 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 focus on automating its workflow and making grant processes more efficient. The staff will also 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.

Statewide Automated Victim Notification System

By the end of FY 2010, an estimated 157 contracts will be in place with counties across the state for implementation for the Statewide Automated Victim Notification System (Texas VINE). As the Texas Department of Criminal Justice (TDCJ) continues its implementation and more counties become operational, the staff will be required to provide additional training and technical assistance to the communities using the statewide system. The agency also received a federal grant to implement Texas VINE in rural areas. Under the grant, the OAG assumed additional responsibilities to foster collaboration and growth of the system. As more counties become operational, staff will be required to provide additional 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. 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 further improve efficiency, the OAG must maintain its current systems, further refine its core data management processes, and develop new automated web based systems to replace underdeveloped and outdated systems. To assist in managing grants and contracts, the OAG is considering acquiring or developing a Grants Tracking System (GTS) that will collect and track all financial and programmatic data. 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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, address confidentiality, and grant/contract business process. • 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	<ul style="list-style-type: none"> • 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 Office of the Attorney General 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.

<p>Goal</p>	<p>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.</p>
<p>Objectives</p>	<ul style="list-style-type: none"> • 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/neglect cases either in federal or state court utilizing staff Special Assistant U.S. Attorneys or in-house Assistant Attorneys General who are also 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 9 cities across the state. The Austin office serves as the headquarters and currently represents 23% of the division's total staff, the Corpus Christi office represents 5%, the Dallas office represents 16%, the El Paso office represents 4%, the Houston office represents 24%, the Lubbock office represents 4%, 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 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% administrative staff, 21% investigative auditors, 9% attorneys, and 51% investigators. Approximately half of the unit's investigative staff is 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 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)
- 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 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

The Medicaid program continues to grow in size and complexity. Annual Medicaid spending in Texas is approaching \$22 billion dollars, and a very large increase can be expected from the recent federal health care reform legislation, as noted above. In Texas, the total number of Medicaid recipients is approximately 2.9 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 federal health care legislation that was signed into law in March 2010 creates significant additional funding for the overall anti-fraud effort. The original legislation (H.R. 3590) added \$10 million to the Health Care Fraud and Abuse Control Account for each year from 2011-2020. The reconciliation legislation also includes a significant increase in anti-fraud funding, which appears to be on top of the additional funding from the original legislation. The reconciliation legislation appears to add the following additional amounts: \$95,000,000 for 2011; \$55,000,000 for 2012; \$30,000,000 for each of fiscal years 2013-2014; and \$20,000,000 for each of fiscal years 2015-2016. All of this funding will go to federal administrative or law enforcement agencies involved with health care. Specifically, there is additional funding provided for the Medicaid Integrity Program, part of the Centers for Medicare & Medicaid Services and first created by the Deficit Reduction Act of 2005, which has the general effect of increasing the funding and expanding the years for which funding for that program is authorized.

There also are "indexing" increases in the amounts appropriated to individual agencies for their anti-fraud efforts. Even though this funding will go to federal agencies, it can be anticipated that adding federal resources to detection and investigation of fraudulent providers could result in an increase of referrals to the MFCU.

In addition, the health care legislation expands certain aspects of the Recovery Audit Contractor program, whereby private firms are contracted to perform targeted audits of Medicaid providers. The results of those audits can result in criminal referrals to the MFCU. The MFCU anticipates that we will have additional or increased coordination and perhaps even joint investigations or at least some enhanced level of federal involvement in the cases we are charged to work.

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, 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

The MFCU is committed to placing staff where the fraud, abuse and neglect (crime) are occurring thus improving pro-activity 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 affect 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 anticipates that in the next three years, many of these employees will retire from OAG service, again 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. Already recently begun, the MFCU Relief Manager Program will offer managerial experience to selected investigators or auditors who will serve temporarily 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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. • Initiated in 2010, 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 a 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Continue to assign a 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.