

THE OFFICE OF THE ATTORNEY GENERAL FISCAL YEAR 2010 - 2011 WORKFORCE PLAN

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 2000 references to the Attorney General. The law provides the Attorney General with civil and criminal enforcement authority in a number of specific areas. The OAG provides high quality legal representation, counseling and assistance as legal counsel to more than 300 boards, agencies and institutions of state government. Twenty-five percent (1062.8) of the OAG's authorized FTEs 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 as well as two Fugitive Apprehension units in Houston and Ft. Worth.

The Texas Constitution also assigns responsibility to the Attorney General for the administration of Texas' federally mandated child support enforcement services program under Title IV-D of the Social Security Act and by Chapter 231 of the Texas Family Code through its Child Support Enforcement Strategy. This strategy represents the largest percentage of OAG employees, with approximately 64.71% (2725.9) of the OAG's authorized FTEs. The OAG provides child support services across the State through 66 field offices, eight regional offices and eight regional customer service centers.

The Attorney General is also assigned the responsibility for administering the Crime Victims' Compensation Program. Four percent (185.9) of the OAG's authorized FTEs provide services and assistance to victims of violent crimes and various organizations through the Crime Victims' Compensation and the Victims Assistance Strategies. This staff is located in Austin primarily, with some staff in Amarillo, El Paso and Houston.

The OAG's Medicaid Investigation Strategy is carried out by the State's Medicaid Fraud Control Unit mandated by federal regulation (42 C.F.R. 1007.11). With five percent (222.6) of the OAG's authorized 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 Plan. 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 (allocated and included in numbers above).

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, (15.4 FTEs, .36%) include staff that performs agency-wide administrative support functions.

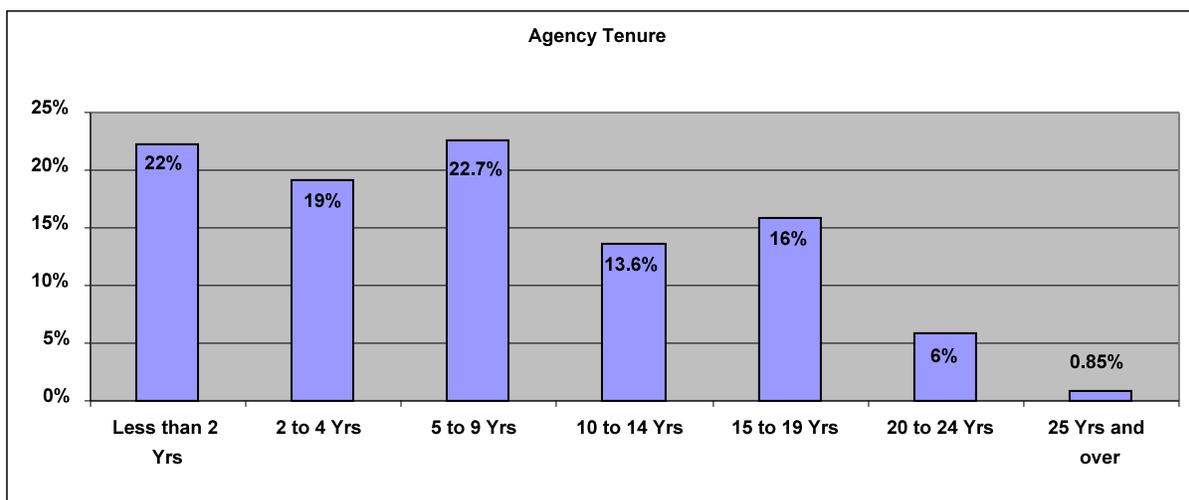
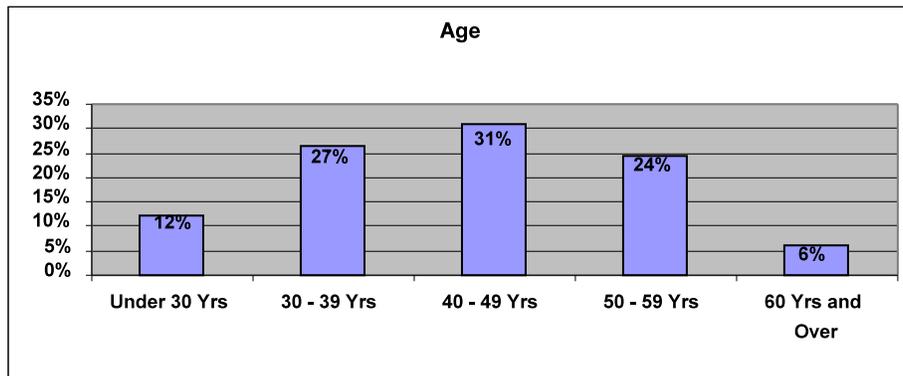
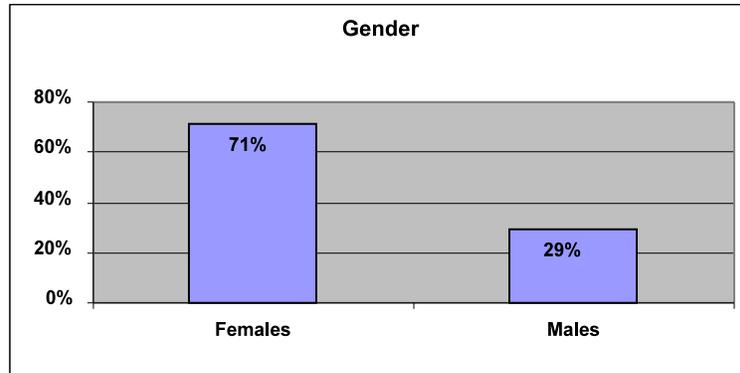
A. Goals and Objectives

Goal 1	<i>Provide Legal Services</i>
Objective	To provide skillful and high quality legal representation, counseling, and assistance for the State of Texas, its authorized entities and employees in the lawful performance of their duties. [Tex. Const. art. 4 §22]
Goal 2	<i>Enforce Child Support Law</i>
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	<i>Assist Crime Victims with Services</i>
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	<i>Refer Medicaid Crimes</i>
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	<i>Provide Administrative Support for SORM</i>
Objective	Provide administrative support for the State Office of Risk Management as it administers the state workers' compensation program [Section 412.0111, Labor Code].
Goal 6	<i>Increase the Use of Historically Underutilized Businesses</i>
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, 2008. The charts include full-time and part-time employees. The OAG workforce consists of 29 percent male and 71 percent female. Sixty-one percent of our employees are over the age of 40. Forty-one percent of the employees have less than five years of state service. Thirty-six percent have between 5 to 14 years of state service.



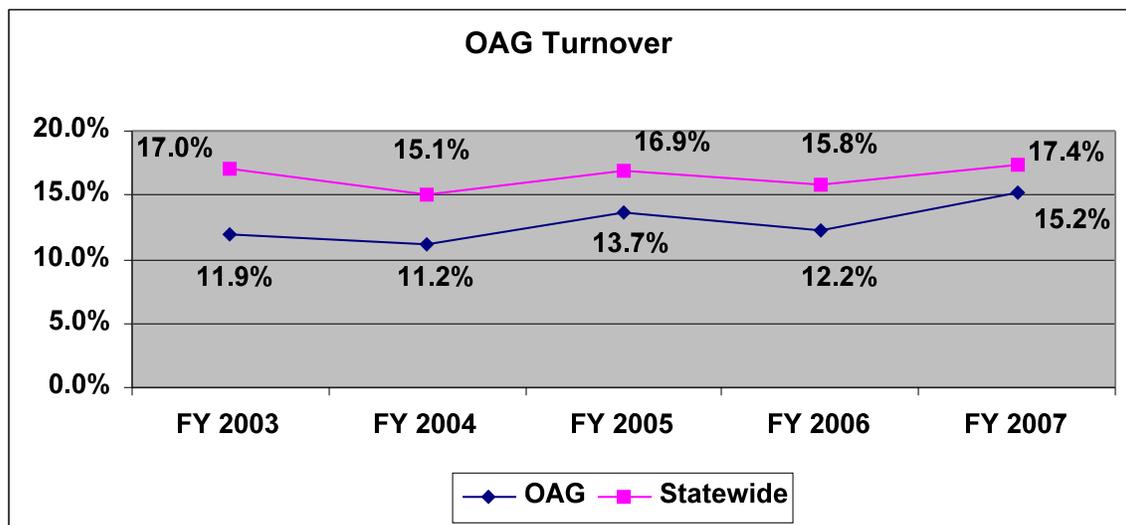
The following table compares the percentage of African American, Hispanic and Female OAG employees (as of May 1, 2008) to the statewide civilian workforce as reported by the Civil Rights Division of the Texas Workforce Commission. In most categories, the agency's figures are higher than the statewide workforce statistics.

Job Category	African American		Hispanic		Female	
	OAG %	State %	OAG %	State %	OAG %	State %
Officials, Administration	9.0%	6.6%	15.0%	14.2%	34.0%	37.3%
Professional	7.2%	8.3%	19.4%	13.4%	52.3%	53.2%
Technical	9.0%	12.4%	25.0%	20.2%	32.0%	53.8%
Administrative Support	16.0%	11.2%	46.5%	24.1%	90.0%	64.7%
Skilled Craft	50.0%	6.0%	0.0%	37.5%	0.0%	4.8%
Service and Maintenance	21.5%	13.8%	38.6%	40.7%	84.0%	39.0%

The demographics of the OAG workforce are extremely 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. Two other categories with under-representation are African American Technical and Females as Officials and Administrators. 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. Protective Services and Para-Professionals categories are combined with the Service and Maintenance category consistent with directives from the Texas Workforce Commission, Civil Rights Division.

C. Employee Turnover

The turnover rate for the OAG as a whole is generally consistent with or below the turnover rate for state government. A comparison of the OAG turnover rate to state government for FY '03 through FY '07 is below.



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

D. Potential Retirement Eligibility Impact

Analyses of the Office of the Attorney General (OAG) staff tenure and leave records indicate that 200 staff members, or approximately 5 percent of the agency's workforce currently are, or will become eligible to retire during Fiscal Year 2008, under the state's "Rule of Eighty" criteria.¹ As Table A on the following page indicates, the OAG's Legal Services Strategy has the highest percentage of potential exposure to staff loss due to retirements in FY2008, with 69 or approximately 6 percent of the employees in that strategy reaching retirement eligibility by the end of FY2008.

Between FY2008 and FY2013, approximately 19 percent, or 784, of the OAG's staff are anticipated to become eligible for retirement under the "Rule of Eighty." With 21 percent of its employees projected to reach eligibility, the Legal Services Strategy is at the highest risk during this period.

Tables B and C on the following pages provide more detailed analyses of the potential effects that retiring employees could have on the agency's Legal Services & Child Support Enforcement strategies. Table B shows that, within the Legal Services Strategy area, 20 percent or more of the staff in the Legal Counsel, Litigation, and Administrative Divisions are projected to become retirement eligible between FY2008 and FY2013. (**Note:** The Medicaid Fraud Control and Crime Victims Services divisions are excluded from Table B since they are separate strategies.)

Table C illustrates that approximately 21 percent of the Child Support Enforcement Division's (CSD) Information Resources staff will become eligible to retire between FY2008 and FY2013. Approximately 29 percent of the remaining State Office CSD staff will attain retirement eligibility during the same period, compared with approximately 18 percent of the more than 2,100 Field Office CSD staff.

Table D shows the estimated number of agency staff, in select classified position series, who will reach retirement eligibility during the FY2008 through FY2013 period. Approximately 38 and 26 percent of the agency's directors and managers, respectively, are projected to reach retirement eligibility during this period. Twenty-two percent of the agency's Assistant Attorneys General are projected to reach retirement eligibility during this same time.

Between December 31, 2001 and January 31, 2008, a total of 424 agency staff retired. Seventeen percent of these retirees had not been identified as being retirement eligible in previous strategic plans. Comparison of the 597 staff identified as becoming retirement eligible between FY 2002 and FY 2007 to actual retirees indicated that approximately 59 percent had retired from the agency as of January 31, 2008. Conversely, 41 percent had not retired. The large number of eligible employees deferring retirement, coupled with newly eligible staff, is creating a growing pool of employees, who could decide to retire within a short period of time.

¹ These estimates are based on the number of staff on the OAG's payroll as of January 31, 2008. The estimates are conservative, since they do not include staff that may be eligible to retire as a result of reaching the age of sixty with five 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 January 2008 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 January 31, 2008.

It should also be noted that the OAG relies on a sizable number of rehired state retirees to conduct its mission critical work, with approximately 2.3 percent of its employees being state retiree rehires. Table E shows the number and percentage of rehired retirees employed by the agency according to strategy area as of January 31, 2008.

TABLE A

Number of OAG Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Strategy Area	FY 08	FY09	FY10	FY11	FY12	FY13	Total Eligible	Total Staff by Area¹	% Eligible in FY2008	% Eligible Between FY2008 & FY2013
Child Support	118	54	63	87	85	102	509	2,623	4%	19%
Crime Victims Services	4	6	5	5	2	2	24	130	3%	18%
Legal Services ²	69	27	30	25	35	39	225	1,087	6%	21%
Medicaid Fraud Control	9	5	2	6	2	2	26	192	5%	14%
Agency Total	200	92	100	123	124	145	784	4,032	5%	19%

¹Count is of filled positions as of 1/31/08, includes rehired retirees; excludes vacant positions.

²Includes Executive Management and Administrative Division Staff.

TABLE B

Number of Legal Services Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Strategy Area	FY08	FY09	FY10	FY11	FY12	FY13	Total Eligible	Total Staff by Area¹	% Eligible in FY2008	% Eligible Between FY2008 & FY2013
Administrative Divisions	14	5	7	5	7	9	47	207	7%	23%
Criminal Justice Divisions	0	3	3	2	4	2	14	222	0%	6%
Executive Management ²	1	0	3	1	0	1	6	38	3%	16%
Legal Counsel Divisions	7	2	1	3	4	1	18	91	8%	20%
Litigation Divisions	47	17	16	14	20	26	140	529	9%	26%
Strategy Total	69	27	30	25	35	39	225	1,087	6%	21%

¹Count is of filled positions as of 1/31/08, includes rehired retirees; excludes vacant positions.

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

TABLE C

Number of CSD Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Functional Area	FY08	FY09	FY10	FY11	FY12	FY13	Total Eligible	Total Staff by Area¹	% Eligible in FY2008	% Eligible Between FY2008 & FY2013
Field Office Staff	78	40	49	60	70	86	383	2,147	4%	18%
Information Technology Staff ²	7	4	6	6	4	5	32	156	4%	21%
State Office Staff	33	10	8	21	11	11	94	320	10%	29%
CSD Total	118	54	63	87	85	102	509	2,623	4%	19%

¹Count is of filled positions as of 1/31/08, includes rehired retirees; excludes vacant positions.

²Based on IT staff budget codes, primarily includes programmers, systems analysts, network specialists, systems support specialists, network specialists, technical writers, and data base administrators.

TABLE D

Number of OAG Employees By Selected Position Series Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Strategy Area	FY08	FY09	FY10	FY11	FY12	FY13	Total Eligible	Total Employees by Classification Series ¹	% Eligible in FY2008	% Eligible Between FY2008 & FY2013
Administrative Assistants	15	7	6	12	10	10	60	293	5%	20%
Assistant Attorneys General	42	21	13	21	25	25	147	677	6%	22%
Child Support Officers	38	18	24	38	30	54	202	1,226	3%	16%
Child Support Technicians	7	8	9	9	12	7	52	365	2%	14%
Directors ²	7	3	4	2	6	2	24	63	11%	38%
Investigators	10	5	3	6	8	2	34	243	4%	14%
Legal Assistants	2	0	5	0	3	4	14	86	2%	16%
Legal Secretaries	2	6	0	1	1	4	14	92	2%	15%
Managers	11	4	7	1	3	5	31	118	9%	26%

¹Count is of filled positions as of 1/31/08, includes rehired retirees; excludes vacant positions.

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

TABLE E

Rehired Retiree State Employees as a Percentage of OAG Workforce as of 1/31/08			
OAG Strategy	Total Employees as of 1/31/08	# of Rehired State Retirees	State Retiree Rehires as % of Total Employees
Child Support	2,623	31	1.2%
Crime Victims Services	130	1	0.8%
Legal Services	1,087	39	3.6%
Medicaid Fraud Control	192	20	10.4%
Agency Total	4,032	91	2.3%

E. Training

The OAG provides staff development opportunities via three separate sections dedicated to addressing the staff development needs of three specific employee groups within the organization.

The Child Support Division has a training section dedicated to providing staff development to approximately 2,700 employees. Due to federal funding requirements, it provides training separately from the rest of the organization. Staff development is delivered in the classroom by internal and external instructors. In addition, staff development is delivered via the internet, videos, CD-ROMs and other approaches.

The Legal Education Section consists of a Program Coordinator who receives direction, advice and assistance from the Legal Education Committee, consisting of 13 AAGs from a diverse selection of divisions within the agency. The Program Coordinator meets monthly with the Committee to plan continuing legal education (CLE) programs for the agency. These CLE programs are primarily for

the attorneys, but audiences include support staff as well. All AAGs and some legal assistants accrue CLE credit hours to maintain their State Bar memberships. The Legal Education Section offers CLE for all experience levels of litigating and non-litigating AAGs. Many courses are participatory, resulting in a maximum benefit to the participants. Faculty for the advocacy courses include experienced AAGs, attorneys in private practice, educators, and sitting judges. In addition to over 30 programs presented live during each year, several programs are available via the agency website for staff in regional offices, including legal ethics programs.

The Human Resources Division has a Staff Development Section dedicated to providing staff development opportunities to approximately 875 non-attorney employees in the organization. Staff development is delivered via the classroom, videos, CD-ROMS, and other creative approaches. The section has the capability of delivering approximately 80 different courses within the 180 offerings scheduled every fiscal year.

F. Recruitment

The OAG has several ongoing programs that serve to enhance recruitment of employees. They are the Volunteer/Intern Program (VIP), the Law Clerk Program, and the Child Support Outreach and Volunteer Program.

The purpose of **Recruitment** is to:

- Attract to public service outstanding individuals from a variety of academic disciplines and certified professionals who have an interest in, and commitment to, state government.
- Provide assistance to the divisions by recruiting, placing, monitoring and evaluating individuals chosen to participate in the program.
- Serve as the liaison between the OAG divisions, colleges, community organizations and individuals interested in state government.
- Encourage the benefits of public service careers to those who might not have otherwise considered state government.

The VIP program provides assistance with trained individuals when the division is short of staff and a ready pool of potential employees when vacancies occur. The VIP provides realistic training situations that allow volunteers/interns valuable hands-on experience. Recruiting for the VIP include 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 will 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 interviewing at various Texas law schools, attending public service career events and accepting mailed applications from out-of-state law schools.

The ***Outreach and Volunteer Program*** has a two-fold mission including outreach to a diverse population and recruitment of volunteers for all aspects of the child support program. Volunteer and intern recruitment provides full time staff with invaluable support and assistance and, in return, the interns and volunteers gain experience and marketable skills. Specific outreach efforts include educating targeted groups such as teen parents, deaf and hard of hearing persons, and community groups on the legal rights and responsibilities of parents.

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

G. Retention

The Office of the Attorney General anticipates the loss of institutional knowledge and expertise due to a variety of factors including turnover, retirement and a highly 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, subject to certain terms and conditions.

OPT Program (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 appropriate personnel. The program allows approved employees to telecommute on an ad hoc basis, medical leave basis, and on a permanent schedule basis.

Performance Leave

Employees can be rewarded performance leave for outstanding performance as an individual and/or team. This leave is in addition to other leave accruals.

Business Casual Attire Policy

Business casual attire is permitted throughout the week. On Friday, employees may wear jeans and other appropriate casual attire.

Educational Leave Program

The agency allows non-attorney employees to apply for paid leave to attend up to 3 hours per week of undergraduate college courses at an accredited institution.

E-Degree Program

The E-Degree Program expands the existing educational leave policy to allow employees to pursue college degrees from accredited universities via distance learning while at work. The E-Degree Program follows existing agency Educational Leave provisions, with the additional operational feature of permitting use of agency computers and internet service to take the course work "online" via the internet and to work on course material at the employee's work station or other appropriate PCs in the office.

H. Succession Planning

The OAG utilizes a variety of practices and procedures which collectively contribute to the continuity of competent personnel in critical positions. While the agency does not have formally designated development positions, almost all non-executive management positions have deputies, associates or assistants who are available as permanent or transitional successors when management turnover occurs.

Since the Attorney General is a statewide elected official, executive management in the agency is normally replaced by new attorneys general. The executive management team in the OAG includes the First Assistant Attorney General and deputy attorneys general over each major area of the office. Appointment to a position in executive management is regarded as an honor, a public service and a valuable career experience. As such, a shortage of qualified personnel in executive management is not considered an issue. If turnover occurs in executive management, the First Assistant Attorney General normally designates a division chief or deputy director to provide transitional leadership until a replacement is appointed.

Due to the occasional turnover in executive management, a large share of institutional knowledge rests with the next level of agency management: agency-wide division chiefs. The second level of management is comprised of division chiefs in the administrative and legal divisions and deputy directors in the Child Support Division (CSD). If turnover occurs in the chief and deputy director positions, deputy chiefs and designated representatives are present and available to either assume the leadership vacancy or serve in an acting capacity until a new chief/deputy is appointed by the Attorney General.

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. These individuals may be referred to as team leaders or senior staff. As vacancies occur in divisions, these individuals are available to become managers or supervisors.

While the OAG remains concerned about the ability to recruit and retain attorneys because of uncompetitive compensation levels and benefit packages, young attorneys are attracted to positions in the agency for career enhancement reasons. Thus, the supply of attorneys is available if the office is able to provide adequate compensation packages to recruit and retain them.

Child Support Division

The Child Support Division (CSD) has deputy directors for five major sections. With the exception of Field Operations, each section utilizes practices and procedures similar to the administrative and legal divisions for informal succession planning.

Field Operations is divided into eight regions with 66 individual field offices. Each region is supervised by a Field Regional Administrator who reports to the Deputy Director for Field Operations. All regions have a senior regional attorney, and two of the largest regions have an assistant regional administrator. The senior regional attorney co-supervises the managing attorneys in each field office and is available to serve as a managing attorney in an individual field office, if necessary. The assistant regional administrator is available as a permanent or transitional successor when a vacancy occurs in the regional administrator's position or among the office managers in any field offices within a particular region.

Each field office is supervised by a managing attorney and has between one and six staff attorneys. Many of the senior regional attorneys are former managing attorneys. An office manager supervises non-attorney staff in each office, and most managers have an experienced unit supervisor that assists with an office's daily operations. The core functions of field staff are similar so trained staff are available when advancement opportunities arise.

CSD also has a regional customer service center (RCSC) in each of the eight regions. RCSC managers are generally selected from among the pool of child support field supervisors and child support officers in the state. When turnover occurs, there is a pool of trained staff from which to draw replacements.

Mentoring and Management Development Program

CSD instituted the Mentoring and Management Program (M&M) to ensure continuity in key or critical task positions. In operation since FY 2005, this program has increased the pool of skilled and motivated staff from which to draw suitable replacements. Participants receive tailored training during the mentoring period and specialized instruction and guidance from an experienced staff mentor. Approximately 17% of all CSD staff is currently participating in M&M.

II. WORKFORCE STRATEGY I - 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 cost-efficient and excellent 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

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 communications 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 even more important. The agency suffers from high turnover rates among these three classifications:

- The turnover rate for legal staff in Litigation Services has been historically high. Assistant Attorneys General licensed between one and five years left the OAG at a rate of 21.3% in FY 2007. AAGs I - III, who are generally licensed three years and less, departed, at an average rate of 22.2%. AAGs I and III left at the rate of 25.6% and 14.3%, respectively.
- The turnover rate for Legal Assistants decreased from 20.3% in FY 2005 to 14.0% FY 2007.
- The turnover rate for Legal Secretaries increased in FY 2007 to 19% as compared to the 15% rate experienced in FY 2005.

The reasons for departure most frequently cited by legal staff are salary-related. The agency provides excellent training, responsibility and experience to its legal staff, yet 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.

Because of these high turnover rates, the OAG requested a special appropriation in the 79th Legislative Session of \$2.8 million for AAGs I-V. The OAG received, after deductions for fringe benefits, a special appropriation of \$2.4 million. The additional appropriation enabled the office to establish new salary minimums that are significantly higher. The new starting salaries are: AAG I - \$46,000; AAG II - \$51,000; AAG III - \$56,000; AAG IV - \$61,000; and AAG V - \$66,000. The office continues to monitor turnover rates to assess the long term effect these minimum salaries increases are having on turnover. However, as noted above the turnover rates continue to be high for assistant attorneys general.

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 State Legislature may create additional duties and responsibilities for the OAG but its essential mission and strategies will not change significantly. However, the OAG continues to be concerned about the growing volume of public information requests. The office responded to over 1,000 requests in one month for the first time in 2004. This pace has remained constant as 16,345 responses were issued during FY 2007. This volume creates an FTE issue with the number of AAGs available to devote to this statutory duty.

The Post Conviction 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 post-conviction filings in state and federal court. 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. Attorney's 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 post-conviction proceedings. This volume creates an FTE issue with the number of AAGs available to devote to these statutory duties.

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 communications 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 legal services divisions would benefit from a moderate increase in FTEs for attorneys and legal staff; however, the current staffing is not expected to change significantly. The 79th Legislature did authorize 15 additional FTEs for FY 06 and three more FTEs for FY 07. Six of the FY '06 FTEs were earmarked for the Open Records Division and nine were earmarked for the Post Conviction Litigation Division. The three FY 07 FTEs were earmarked for the Open Records Division. The 80th Legislature added 28 FTEs for an expansion of the Fugitive Apprehension Unit.

D. Gap Analysis

Anticipated surplus or shortage of employees

No surplus of legal-services employees is anticipated. There have been and continue to be shortages of qualified legal assistant and legal secretary applicants, leading to months of long efforts to fill vacant positions. There is no shortage of qualified attorneys to apply for and accept vacant positions, but high attrition rates are disruptive to the agency's work.

Anticipated surplus or shortage of skills

Applicants for entry-level legal positions generally do not possess the level of skills required of effective attorneys. To cultivate an educated, skilled workforce within the agency, the training programs offered to both attorneys and legal staff must be continued. More of the staff training courses offered must be tailored to the legal workplace. Management should ensure that the internal workforce is well-trained thereby fostering professional growth and increasing tenure with the agency.

E. Strategy Development

Gap	Change in Administration
Goal	Plan for continuity
Rationale	Because the Attorney General is an elected official, there is potential for significant organizational and leadership change every four years.
Action Steps	Identify the core practice areas among the legal divisions. Ensure that the agency's business continuity plan addresses probable organizational change.
Gap	High turnover rates for legal staff.
Goal	Become a competitive employer of choice and retain a high percentage of employees past the five and ten-year marks.
Rationale	<ul style="list-style-type: none"> • The agency loses its highly-trained, professional legal staff at high rates. • This disrupts continuity of legal services for our clients and increases demands on human resources services.
Action Steps	<ul style="list-style-type: none"> • Offer professional training. • Offer salaries competitive with or better than city, county, and other state government agencies. . • Conduct exit interviews with all departing staff to discern levels and areas of satisfaction and dissatisfaction.
Gap	Need for an agency-wide recruitment program for non-attorney legal staff.
Goal	Review current efforts to recruit legal secretaries and legal assistants.
Rationale	There have been cyclical shortages of qualified legal assistant and legal secretary applicants, leading to long efforts to fill open positions.
Action Steps	<ul style="list-style-type: none"> • Work with area high schools, community colleges, universities and proprietary schools to promote career opportunities. • Standardize mentoring and intern programs. • Be proactive in attempts to reach out to potential employees by promoting the benefits of OAG employment.

Gap	Need for long-term plan for career and leadership development among legal staff.
Goal	Consider a long-term plan for career and leadership development for legal staff.
Rationale	Applicants for entry-level legal positions generally do not possess the level of skills required.
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. • Encourage upward movement within the agency.
Gap	Need to improve technology and legal workplace skills.
Goal	Continue to develop computer, staff, and litigation training programs.
Rationale	The agency has developed excellent programs and should expand its offerings to keep pace with technology.
Action Steps	<ul style="list-style-type: none"> • Partner with other state agencies by inviting their trainers to present programs. • Send our employees to their training sessions. • Explore options with local and federal government agencies, colleges and universities, professional organizations, etc.

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	<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 2,700 full-time equivalents (FTE); 80 percent are employed in Field Offices and 20 percent in the Austin State Office. Field staff provides direct services for more than 1,000,000 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 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 (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 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 we align IT strategies 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 and grant management. The number of vendor relationships is expected to increase. CSD will develop specialized contract and grant 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 expects 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. • Effective recruitment efforts are needed for attracting a younger workforce to difficult-to-fill positions.
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 and grant management, development, and monitoring. • CSD continues to apply for and receive federal grant awards. Adequate oversight of these funds is essential.
Action Steps	<p>Develop specialized business process monitoring and evaluation skills to improve operational effectiveness.</p> <p>Develop specialized contract, grant, and project management skills.</p> <p>Develop contract quality assurance and monitoring skills.</p> <p>Provide training to external entities that provide services under contract (e.g., statutory requirements and TXCSES skills).</p> <p>Expand monitoring function for contracts and grants.</p>

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.
------	---

<p>Rationale</p>	<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.
<p>Action Steps</p>	<p>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.</p>

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	<ul style="list-style-type: none">• 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. Three employees are currently housed in regional offices, one each in Amarillo, El Paso, and Houston. Staff is dedicated to two main functions: direct victim compensation and victim assistance grants and contracts. Approximately 75.6 % 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. The OAG's Victim Assistance Coordinator also provides direct victim assistance in criminal cases handled by the OAG. Another 15.2 % of the workforce supports the victim assistance grants and contracts function. This staff administers the grants awarded by the OAG, provides training and technical assistance, and monitors funded programs for fiscal and programmatic compliance. Another 2.5 % of the staff operates the Address Confidentiality Program. This staff receives and forwards mail on behalf of eligible participants. The remaining 6.7 % of the CVS workforce perform the executive and administrative functions. 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

In the past three years, the turnover rate within the Crime Victims' Compensation and Victims Assistance strategies has risen each year. This turnover 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. 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

From 1996 through 2004, CVC received more victim applications than ever before at an average annual increase of 10.2%. In FY 2005, for the first time in ten years, the number of applications declined. Although the drop only represented a 1% decrease, current indicators point to a leveling in the number of applications for the immediate future. CVC forecasts a more conservative growth rate in victim applications for the next few years. From 1996 through 2004, CVC received more

victim applications than ever before at an average annual increase of 10.2%. In FY 2005, for the first time in ten years, the number of applications declined and has continued to decline through 2007.

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 will be placed on the agency to fully implement and operate this program which became effective June 1, 2008.

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. Any changes in the cost containment vendor impact the medical review process and workloads, and potentially impact the delivery of payments.

Grants and Contracts

For FY 2008-2009, the OAG was appropriated \$66.18 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 2008, an estimated 148 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) 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 nurse 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.

Data Center Consolidation

In the 79th Legislative Session under HB 1516, the Texas Legislature mandated the consolidation of certain state agency data centers. The implementation of this consolidation may impact the agency's ability to deliver crime victim services and to process CVC claims in a timely manner.

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 collateral sources. To further improve efficiency, the OAG must maintain its current systems, further refine its core data management processes, and develop new automated mainframe and client/server structures to replace underdeveloped and outdated systems. To assist in managing grants and contracts, the OAG must acquire or develop 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.

New Initiatives

If the Legislature mandates new duties or implements new benefits, the agency's ability to provide the current level of service will be impeded.

Future Workforce Skills Needed

The OAG anticipates that future core workforce skills requirements will be the same as our 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, will be able to enhance victim and provider access to information, and 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.

Goal	Conduct a statewide program for investigating and prosecuting (or referring for prosecution) violations of all applicable state laws pertaining to fraud in the administration of the program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid Plan.
Objectives	<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 that 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.

B. Current Workforce Profile (Supply Analysis)

The MFCU workforce is located in 9 cities across the State. The Austin office is headquarters and currently represents 24% of the division’s total staff, the Corpus office represents 6%, the Dallas office represents 15%, the El Paso office represents 5%, the Houston office represents 22%, the Lubbock office represents 4%, the McAllen office represents 9%, the San Antonio office represents 8%, and the Tyler office represents 7% 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. The Unit employs analysts, 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 the Unit'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 17% administrative staff (including analysts), 21% investigative auditors, 9% attorneys, and 53% investigators. Approximately half of the Unit's investigative staff are commissioned peace officers, which enhances the MFCU's ability to expedite cases by making arrests, executing subpoenas and search warrants and participating with other local, state and federal law enforcement partners in investigating health care fraud matters. The Unit promotes a teamwork approach to criminal investigations, which encourages and requires staff to bring all of the collective expertise and knowledge to bear in each case worked. The division also utilizes medical consultants and specialists on an as-needed basis to assist with thorough 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
- Provision of other support services

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 huge, 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, verbal 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, Board of Medical Examiners). Additionally, because Texas is increasingly moving toward a managed care model, the Unit will need to increase 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. Medicaid spending in Texas for 2008 is projected to exceed \$22 billion dollars. The increase is due in part to the *Frew* lawsuit settlement agreement. In Texas, the total number of Medicaid recipients was 2,607,281 as of December 2007, and the total number of Medicaid providers was 107,024 as of February 2008. With a large Medicaid population, Texas also has a large number of doctors, dentists, counselors, pharmacists, oncologists and other types of medical providers and long term care facilities willing to treat the medically indigent and underserved. The Unit'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.

On February 8, 2006 the President signed the Deficit Reduction Act of 2005 (DRA). The DRA included net reductions of \$4.8 billion over five years and \$26.1 billion over the next ten years from Medicaid. The DRA also provided for an increase in federal regional staffing to accommodate federal and state requirements. The federal government added hundreds of staff to address caseload increases, new federal requirements, and enhanced child welfare investigations. The HHS-OIG received annual funding of \$25 million from FY 2006 through FY 2010 to undertake fraud and abuse control activities related to the Medicaid program.

The effects of this increase in staffing on the MFCU and the Single State Agency are yet to be fully determined. The mission for the newly hired HHS-OIG staff appears fairly similar to the mission of HHSC-OIG, and we are aware that both agencies are working together toward coordination and the minimization of duplication of effort. The DRA also called for the expansion of the Medicare-Medicaid Data Match Program (Medi-Medi Program). It requires the HHS Secretary to enter into contracts with eligible entities to ensure that the Medi-Medi Program is conducted for the purpose of: (1) identifying program vulnerabilities in Medicare and Medicaid through the use of computer algorithms to look for payment anomalies, (2) working with states, the Attorney General, and the Inspector General of HHS to coordinate appropriate actions to protect Medicare and Medicaid expenditures and (3) increasing the effectiveness and efficiency of both programs through cost avoidance, savings and recoupment of fraudulent, wasteful or abuse expenditures. 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.

Additionally, as the government continues to increase the private sector's role in delivering Medicaid services, new types of fraud are showing up that are sometimes harder to spot, more complicated to prosecute and potentially more dangerous and harmful to patients. Currently the MFCU is attempting to better understand the types and kinds of fraud schemes that may lend themselves to the managed care industry, which has grown substantially in Texas in the past several years and has increased the number of beneficiaries it serves.

For example, one type of managed care fraud may involve a provider shortchanging patients or physicians to cut costs while collecting preset fees from the government. For instance, a provider might refuse to enroll unhealthy people, cut back on paying doctors in a timely manner, or deny patients care.

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) is 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 does not anticipate a needed increase or decrease in staffing at this time. The MFCU continually evaluates staffing needs and work demands, to include assessing the mix of our current caseload and where the cases are in the State, and 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

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 the knowledge and expertise they brought to the table allowed us to move more quickly toward early results. However, MFCU anticipates that in the next three years, many of these employees will retire, again creating a number of vacancies for the Unit. The MFCU has also experienced a 10% attrition rate that has been largely due to our inability to compete with the salaries paid to white-collar law enforcement professionals by the federal government, district attorneys’ offices and other law enforcement agencies. Many of the federal agencies and the district attorneys’ offices provide their investigative workforce with take home cars. In this present economy, this has been viewed by many staff as an added enhancement and benefit.

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. 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

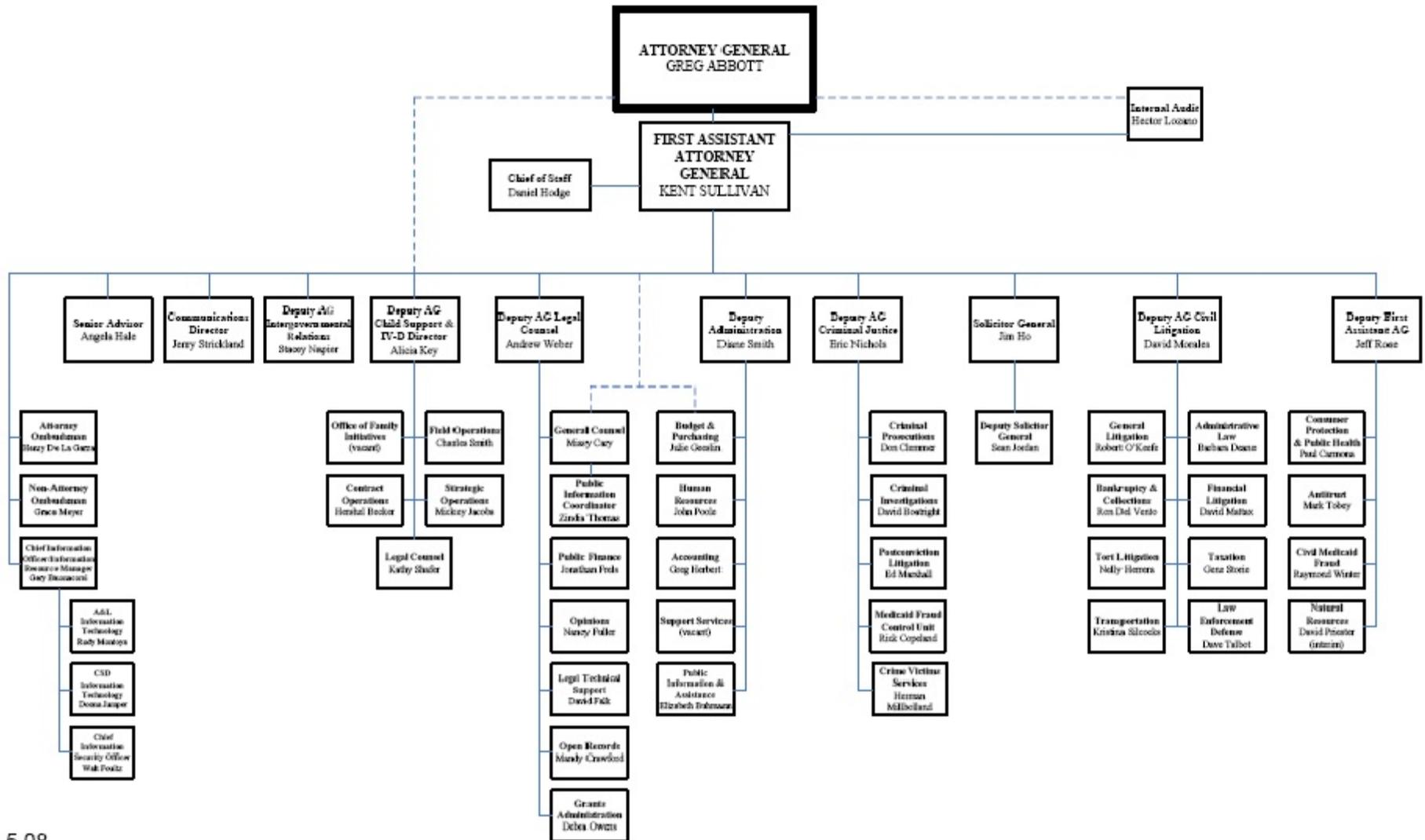
Specific goals to address workforce competency gaps or surpluses:

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. • 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	Develop and strengthen cooperative relationships with local district and county attorneys' offices across the state and with the U.S. Attorney's 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. Attorney's Offices will expedite the acceptance and prosecution of cases.
Action Steps	<ul style="list-style-type: none"> • Clarify and communicate through training the information to be included in a referral to a prosecutor of a concluded investigation for supervisory review. • 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. • Work more closely with the district and county attorneys and U.S. Attorney's Offices during investigation and throughout prosecution of cases. • Train staff to identify illegally held assets to support a forfeiture action. • Train and have knowledgeable attorneys for criminal trials and forfeiture litigation.



5.08