



Strategic Plan

Fiscal Years 2021 - 2025

by

State Office of Administrative Hearings

Chief Administrative Law Judge Kristofer S. Monson

Signed and Dated

A handwritten signature in black ink, appearing to read "Kristofer Monson".

Kristofer Monson (May 27, 2020 15:32 CDT)

Austin, Texas

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Agency Mission Statement

The mission of the State Office of Administrative Hearings is to serve as an independent, neutral forum for the State of Texas by providing a fair and efficient hearings process and the opportunity for alternative dispute resolution proceedings, in accordance with Chapter 2003 of the Texas Government Code.

Agency Philosophy

Why Not Better?

SOAH will focus on implementing the Legislature’s intent set out in statute, while optimizing the services it provides to the public. In reassessing its business processes to accommodate new technology, SOAH must revisit every aspect of our business processes, from how we assign cases to how we format documents. In addressing each separate action, we will always ask ourselves “Why Not Better?”

Agency Goals and Action Plan

Goal 1: Completely Implement New Case-Management System

Specific Action Items

1. Catalog and redesign all business practices.

SOAH is implementing a new case-management system. Because the case-management project touches on all areas of SOAH's operations, preparing for it has required SOAH to catalog and identify all aspects of its business processes. This reassessment will continue well after the new system is implemented. SOAH is relying on the last Sunset Report, reports from its internal auditor, information gained from its contractors, and consultation on best practices from other central hearings panels across the United States.

Expected Completion: January 2022

2. Use information made available by the new case-management system to increase transparency and oversight.

The new case-management system will transform SOAH's ability to track and access documents and data. SOAH will leverage this new information to make SOAH's functions more transparent and useful to the public. For example, there is currently no system for easily tracking the cases assigned to each judge or the time it takes to complete each case. The new case-management system will allow SOAH to generate the type of performance metrics that the Office of Courts Administration annually publishes about each court in Texas.

Expected Completion: January 2023

How Goal Supports Statewide Objectives

1. Accountable to tax and fee payers of Texas:

- Accountability for the implementation of the case-management project is ensured through the oversight of Contract Management.
- Instituting a system that produces ALJ-specific performance data will ensure accountability with regards to quality and timeliness of decisions.

2. Efficient by producing maximum results with no waste of taxpayer funds and by identifying any function or provision considered redundant or not cost-effective:

- The case-management project will decommission unsupported legacy systems and eliminate non-integrated systems, thus increasing efficiencies.
- It will promote efficiency by automating and standardizing numerous routine processes and providing an elegant system for internal communications about work product.

3. Effective by successfully fulfilling core functions, achieving performance measures, and implementing plans to continuously improve:

- The case-management project will consolidate and centralize the management of agency data and digitize non-electronic data.
- It will support core functions and performance metrics by standardizing processes and recording of information.

4. Attentive to providing excellent customer service:

- The case-management project will produce excellent customer service by using electronic information in the manner that attorneys and the public have come to expect from the judiciary, lowering costs, and decreasing the amount of time it takes to resolve disputes.

5. Transparent such that agency actions can be understood by any Texan:

- The case-management project will consolidate, classify, and centralize agency data, increasing the capacity to handle larger data inputs and outputs. Improving the usability of the data will increase transparency and allow for more effective segregation of data to protect confidential information.
- It will support transparency by providing performance data similar to that used by the Texas judiciary to demonstrate the efficiency of the courts.

Other Relevant Considerations

The case-management project will allow SOAH to fully implement the Sunset recommendation to upgrade and integrate the scheduling of Administrative License Revocation cases, as addressed in Issue 4 of the Sunset Report.

The case-management project will also further SOAH's implementation of Sunset recommendation to improve and formalize certain management tools

related to tracking information, analyzing performance, and monitoring deadlines.

Goal 2: Leverage Existing Technology to Create Best-In-Class Hearings and Support.

Specific Action Items

1. Reconfigure Docketing processes.

SOAH will reconfigure its docketing process to fully accommodate electronic filing.

In 2020, SOAH implemented a new electronic filing system using the same technology that the Texas judiciary has used for the past decade. Combining that filing system with new case-management system will allow SOAH to more quickly docket cases, giving the public the same level of customer service that they have come to expect from the clerk's offices in district court.

Further, consistent with current provisions of the Transportation Code, SOAH will take full responsibility for docketing of the Administrative Driver's License Revocation program, currently handled by the Texas Department of Public Safety. The result will be a new docketing system capable of handling large numbers of cases, through automation and collaboration.

Expected Completion: January 2022

2. Improve Administrative Record.

SOAH will produce high quality record documents that will be the basis for an improved administrative record for use by agencies and the judiciary.

New technology will allow SOAH to produce a much better set of the documents that constitute the "Administrative Record," the set of documents used by agencies and the courts in addressing cases heard by SOAH. In addition to redesigning its own document templates to provide optimal viewing on electronic devices, SOAH will adopt a new set of filing rules intended to produce uniform record documents that are easy for the public to access and use.

Expected Completion: May 2021

3. Standardization of Training Strategy.

SOAH will develop a new training plan targeted at acquisition of skills, the development of subject-matter expertise, and implementation of nationally-recognized best practices.

The complete reassessment of business practices required by the new case-management system has required SOAH to reconsider how Administrative Law Judges (ALJs) are trained and how their career ladder functions. For example, ALJs had little or no technology training, which led to difficulties in adopting new technologies during the COVID-19 pandemic response. The lack of basic technology training underscores the need identified in SOAH’s last Sunset Report to create a training plan and career advancement program. SOAH, moreover, is subject to specific statutory language in the Government Code governing promotion of designated “Master” and “Senior” ALJs.

Drawing on the “Elements of Judicial Excellence,” a training paradigm developed by the State Justice Institute and the National Center for State Courts, SOAH will develop a new training plan for ALJs, divided into three areas of concentration. First, when ALJs come to SOAH, they will formally train in new skills such as a hearings technology, hearings management, and subject-matter specific training. Second, SOAH will develop an internal training process to develop and reinforce skills that are not covered in traditional attorney education, such as making evidentiary rulings and managing case records. Third, as attorneys meet the experience requirements to serve as master or senior ALJs, they will engage in training designed to make them aware of national-level best practices in adjudication and the constitutional and legal ramifications of holding administrative hearings in the executive department of Texas government. Master ALJs will, further, be expected to take responsibility for monitoring the development of substantive legal developments and producing documentation that will keep all ALJs up to date on current developments in the issues handled by SOAH. Because master ALJs are, in turn, responsible for overseeing and supporting junior ALJs, this system will ensure that the administrative process is carried out with a proper view of the importance of the record and of the Texas constitution, as well as up-to-date knowledge of the substantive law.

Expected completion: June 2025

4. Use existing technology to increase transparency and level of service.

SOAH will leverage existing technology to increase public access to SOAH hearings.

In responding to the COVID-19 pandemic, SOAH has had to retool its hearings process to expand the number of hearings it can hear using existing technology. SOAH has already expanded its capabilities to include video hearings and modernized telephonic hearings. In the biennium, SOAH will refine these practices in order to ensure access to hearings, both for parties and for the public. Most significantly, the use of such hearings will decrease the cost of hearings held in parts of the state where SOAH does not have an office.

Expected completion: Jan 2022

5. Expanding Access to Hearings for Self-Represented Litigants.

SOAH hears large numbers of cases involving litigants who have no lawyers and are contesting agency orders that directly impact their ability to earn money to support their families. In the past, SOAH has focused its support program for self-represented litigants on courtroom procedures. This has led to a system that relies primarily on paper and fax filings.

However, national studies have shown that self-represented litigants who do not have access to traditional computers or internet often do have access to cellphone technology. Indeed, Texans increasingly expect to be able to use their mobile phones to interact with government agencies. SOAH will, to the extent possible, augment and modify its current forms for self-represented litigants to be compatible with mobile phone browsers, with a focus on providing fillable forms that can be completed on a phone.

Expected Completion: June 2025

6. Reviewing and Adopting New Procedural Rules.

SOAH will review all of its procedural rules, revise some rules, and adopt new ones that support electronic filing and the efficient use of its new case-management system.

The process of researching and implementing the case-management system and accommodating electronic filing has already revealed a number of inefficiencies and ambiguities in SOAH's procedural rules. SOAH will adopt revised rules that reflect the transition from a filing system based on paper to a filing system that treats electronic-filing as the baseline. For example, SOAH's rules governing the filing of confidential information and information under seal give insufficient guidance regarding the filing confidential information in electronic form. SOAH has had to modify its practice in order to allow electronic filing of confidential information before trial, in order to facilitate remote hearings during the COVID 19 pandemic. A new rule will formalize the new practice, and it will help to fully realize the promise of an electronic records keeping system.

Expected Completion: May 2022

How Goal Supports Statewide Objectives

1. Accountable to tax and fee payers of Texas:

- Improving the format and availability of the administrative record will improve accountability, because the record is the mechanism by which agencies and the courts review SOAH's actions.

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- Development of a coherent, standardized training strategy will improve the level of service provided to Texas taxpayers, in their interactions with SOAH, and ensure the judicious use of taxpayer funds.
 - A robust training program will improve accountability by ensuring that ALJs have the relevant technical, litigation, and substantive expertise to handle the cases before SOAH.
 - Using technology to make hearings available and accessible will improve accountability by allowing the public more readily to see what happens at SOAH.
 - Improving service to self-represented litigants improves accountability by allowing citizens impacted by agency actions brought before SOAH better to handle their own cases.

2. Efficient by producing maximum results with no waste of taxpayer funds and by identifying any function considered redundant or not cost-effective:

- Simplifying and consolidating docketing processes will reduce redundancies caused by involving multiple agencies in the docketing of cases.
- Improving the administrative record process will cut costs related to the record by reducing printing and storage costs, as well as by facilitating use of the record at the district-court and appellate records.
- Ensuring that SOAH's employees all receive proper and consistent training in accordance with a larger strategy will produce improved results in the output of the agency's work product and ensure that training (in terms of time and the expenditure of funds) is directly tailored to the business needs of the agency and the employee's role in meeting those business needs.
- Making hearings accessible by using existing technology may lower travel expenses incurred in sending SOAH personnel to remote locations.
- New procedural rules will increase efficiency by narrowing the issues to be resolved in cases and reducing the amount of hearing time required to decide each case. And it will promote the successful implementation of SOAH's core function by allowing SOAH to mirror the best practices of the Texas judiciary in providing fair and impartial due-process hearings on matters before executive-department agencies.

3. Effective by successfully fulfilling core functions, achieving performance measures, and implementing plans to continuously improve:

- The new docketing process will allow better collection and calculation of performance measures.

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- The new training program’s focus on continual updating training and internal discussion of developing issues will allow SOAH more quickly to share expertise and knowledge necessary to continuously improve service to the public.
 - SOAH has a statutory obligation to adopt procedural rules and collect and introduce the documents that make up the administrative function; the new rules and mechanism for compiling the record will improve SOAH’s performance of these duties.

4. Attentive to providing excellent customer service:

- Making the administrative changes necessary to fully implement SOAH’s new case-management system will provide improved customer service to all Texans by allowing SOAH to apply national best-practices to every aspect of its work, from producing administrative records to making hearings accessible to all Texans, no matter where they live.
- The development of a consistent, comprehensive training plan for the agency ensures that SOAH’s workforce is properly trained and educated for their role at SOAH, which will enable them to provide a higher level of customer service to all affected stakeholders.

5. Transparent such that agency actions can be understood by any Texan:

- Approaching training and education from the perspective of a comprehensive, objective plan—a foundation for all employees and tailored training and education for each position—promotes fairness and transparency.
- Making public hearings accessible to more people will help all Texans better understand the administrative process.
- New, simplified procedural rules will not help not only self-represented litigants, but also members of the public, a greater ability to understand administrative proceedings.

Redundancies and Impediments

Redundancies and Impediments Regarding State Office of Administrative Hearings	
Services, Statute, Rule, or Regulation	Texas Government Code § 2003.055
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	<p>Government Code § 2003.055 (enacted in 2003) provides for SOAH employees to research and propose appropriate technological solutions to improve the office’s ability to perform its functions.</p> <p>This planning provision is out-of-date, because SOAH now has an Information Technology Department headed by an Information Resources Manager. SOAH has worked to increase the professional capacities of this Department, to ensure that SOAH has up-to-date technology that meets the expectations for electronic access to hearings established by the Texas judiciary. The IT Department works directly with the Chief ALJ and his executive team to develop a unified approach to technology acquisition and implementation. Other general statutes and rules of the Department of Information Resources governing the oversight of state agency purchases and use of information technology are adequate to ensure implementation of appropriate technology. There is not a separate need for this statute or its procedure.</p>
Provide agency recommendation for modification or elimination.	Eliminate Government Code § 2003.055.

Describe the estimated cost savings or other benefit associated with recommended change.	No direct fiscal cost savings identified; modernizes and updates SOAH’s enabling statute.
Redundancies and Impediments Regarding State Office of Administrative Hearings	
Services, Statute, Rule, or Regulation	Texas Government Code § 2003.046
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	The provision is out-of-date. Government Code § 2003.046 (enacted in 1993) refers to a “central hearings panel” and authorizes the Chief ALJ to create teams or divisions, according to subject matter. There is not a current need for this statute; it was enacted when SOAH was comprised of compartmentalized divisions, which the Legislature has fully dismantled. All other statutory requirements for SOAH to maintain specific teams or divisions were eliminated by H.B. 2154 during the 2015 legislative Session based on recommendations of the Sunset Commission. Government Code § 2003.022(d)(d) already provides that the CALJ shall “supervise” the agency, which includes the authority to make decisions about its internal organization.
Provide agency recommendation for modification or elimination.	Eliminate Government Code § 2003.046.
Describe the estimated cost savings or other benefit associated with recommended change.	No direct fiscal cost savings identified; modernizes and updates SOAH’s enabling statute.
Redundancies and Impediments Regarding State Office of Administrative Hearings	
Services, Statute, Rule, or Regulation	Texas Government Code § 2003.045

<p>Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.</p>	<p>This provision is out-of-date. Government Code § 2003.046 (enacted in 1993) originally referred to a set of six “senior administrative law judges” who would provide oversight to the various statutorily compartmentalized divisions. The Legislature has dismantled that system. When it did so, it added the term “Master ALJ” to section 2003.045, while removing the remaining substance of the provision.</p> <p>Today, administration of SOAH is handled by an executive team under the Chief Administrative Law Judge. Direct oversight of ALJs is entrusted to a Deputy Chief Administrative Law Judge, appointed by the Chief Administrative Law Judge. This structure is similar to that embodied in statute for the Attorney General’s office, set out in section under section 402.001 of the Government Code, which deputizes the Attorney General’s functions to a First Assistant, for the purposes of managing the agency. The requirements for the Deputy Chief ALJ position should be the same as those set out for the Chief ALJ in section 2003.022(b)(2) of the Government Code.</p> <p>A change in statutory language would reflect the current managerial system at SOAH. It would also allow the Chief ALJ and Deputy to choose managers for managerial skill, rather than for tenure as ALJs, which is the primary statutory requirement for obtaining Master ALJ status under section 2003.0411 of the Government Code.</p>
<p>Provide agency recommendation for modification or elimination.</p>	<p>Amend section 2003.045 to allow the Chief ALJ to delegate managerial authority to a Deputy Chief Administrative Law Judge for Hearings. The requirements for Deputy Chief should be the same as those set out for the Chief ALJ in section 2003.022(b)(2) of the Government Code.</p>

Describe the estimated cost savings or other benefit associated with recommended change.	No direct fiscal cost savings identified; modernizes and updates SOAH’s enabling statute.
Redundancies and Impediments Regarding State Office of Administrative Hearings	
Services, Statute, Rule, or Regulation	Texas Insurance Code § 40.004 Texas Department of Insurance (TDI)
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	Insurance Code § 40.004 (enacted in 1999) requires that TDI and SOAH execute a Memorandum of Understanding (MOU) regarding the handling of cases referred to SOAH by TDI, the substance of which is then reflected in TDI’s promulgated rules. This provision is redundant and unnecessary since SOAH has procedural rules in place that apply to all cases, including cases referred by TDI.
Provide agency recommendation for modification or elimination.	Eliminate Texas Insurance Code § 40.004.
Describe the estimated cost savings or other benefit associated with recommended change.	Efficiency gains due to time spent managing, updating, and negotiating this requirement. Modernizes and updates statutory scheme governing SOAH’s operation. Standardizes practices among referring agencies
Redundancies and Impediments Regarding State Office of Administrative Hearings	
Services, Statute, Rule, or Regulation	Texas Labor Code § 402.073(a) Texas Department of Insurance, Division of Workers’ Compensation (DWC)
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency	Labor Code § 402.073(a) requires that DWC and SOAH adopt a Memorandum of Understanding (MOU) regarding the handling of cases referred to SOAH by DWC. The statute further provides that the MOU must address the payment of costs by parties

Operations.	in medical fee dispute cases under Labor Code § 412.0312. The requirement that DWC and SOAH adopt an MOU is redundant and unnecessary since SOAH has procedural rules in place that apply to all cases, including cases referred by DWC. The requirement that such MOU address the payment of costs by parties in medical fee dispute cases is redundant and unnecessary because the governing statutes already address the respective responsibilities of SOAH and DWC with respect to these cases.
Provide agency recommendation for modification or elimination.	Eliminate Texas Labor Code § 402.073(a).
Describe the estimated cost savings or other benefit associated with recommended change.	Efficiency gains due to time spent managing, updating, and negotiating this requirement. Modernizes and updates statutory scheme governing SOAH's operation. Standardizes practices among referring agencies.
Redundancies and Impediments Regarding State Office of Administrative Hearings	
Services, Statute, Rule, or Regulation	Texas Government Code § 2003.108 Comptroller of Public Accounts (CPA), Tax
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	Government Code § 2003.108 (enacted in 2007, when tax hearings were originally transferred to SOAH), requires SOAH to create specialized monthly and quarterly status reports regarding pending tax cases for the CPA. SOAH does not perform this function for any other agency or type of case. Furthermore, the status of any given case is information already available to the CPA, since the CPA is a party to all tax cases. Additionally, the requirement to provide a quarterly report on services provided to the CPA serves no current budget purpose, since there is not an hourly billing arrangement in place.

Provide agency recommendation for modification or elimination.	Eliminate Government Code § 2003.108.
Describe the estimated cost savings or other benefit associated with recommended change.	Efficiency gains due to time staff time and resources expended in connection with these reports. Modernizes and updates statutory scheme governing SOAH's operation. Standardizes practices among referring agencies.

Supplemental Schedule A Budget Structure

Goal A

Short Name: Administrative Hearings

Full Name: Provide for a Fair and Efficient Administrative Hearings Process

Description: Provide Texas state agencies and citizens a fair and efficient administrative hearings and alternative dispute resolution process.

Objective A-1

Short Name: Hearings

Full Name: Ensure that All Hearings are Conducted in a Fair and Impartial Manner

Description: Ensure that all hearings are conducted in a fair and impartial manner and result in a well-reasoned and legally sound Proposal for Decision (PFD).

Outcome Measures

- Percentage of Participants Surveyed Satisfied with Overall Process
- Percentage of Proposed Tax Decisions Issued within 60 Days of Record Closing

Strategy A-1-1

Short Name: Conduct Hearings

Full Name: Conduct Hearings and Prepare Proposals for Decisions and Final Orders

Description: Conduct hearings and prepare proposals for decision (PFDs) and proposed orders and final orders; monitor workloads of Administrative Law Judges (ALJs).

Output Measures

- Number of Hours Billed (General Docket Hearings and ALR Hearings)
- Number of Administrative License Revocation Cases Disposed
- Number of General Docket Cases Disposed
- Percent of Available Administrative Law Judge Time Spent on Case Work
- Percent of Case Time Spent on General Docket (Non-ALR) Cases
- Number of Proposals for Decision Related to Tax Hearings Issued by ALJs

Efficiency Measures

- Average Number of Days from Close of Record to PFD or Final Order Issuance
- Median Number of Days to Dispose Case
- Average Days to Issue Proposed Tax Decision Following Record Closing

Explanatory Measures

- Number of Administrative License Revocation Cases Received
- Number of General Docket Cases Received
- Number of Agencies Served
- Number of Complaints Received Regarding Hearing Process
- Percent of PFDs Changed, Vacated or Modified by Governing Boards

Objective A-2

Short Name: Alternative Dispute Resolution

Full Name: Provide an Opportunity for Alternative Dispute Resolution Proceedings

Description: Provide an opportunity for settlement of disputes through conferences, mediation, arbitration, and other alternative dispute resolution proceedings conducted in a fair and impartial manner, resulting in resolution of all disputes outside of contested hearings.

Outcome Measures

- Percentage of Participants Surveyed Satisfied with Overall ADR Process

Strategy A-2-1

Short Name: Conduct Alt Dispute Resolution

Full Name: Conduct Alternative Dispute Resolution Proceedings

Description: Conduct mediated settlement conferences, mediations, arbitrations and other alternative dispute resolution proceedings.

Output Measures

- Number of Hours Billed to Alternative Dispute Resolution Cases
- Number of Cases Resolved through Alternative Dispute Resolution

Efficiency Measure

- Median Number of Days to Dispose Alternative Dispute Resolution Cases

Explanatory Measure

- Number of Alternative Dispute Resolution Cases Requested or Referred

Goal B

Short Name: Indirect Administration
Full Name: Indirect Administration
Description: Indirect Administration

Objective B-1

Short Name: Indirect Administration
Full Name: Indirect Administration
Description: Indirect Administration

Strategy B-1-1

Short Name: Indirect Administration
Full Name: Indirect Administration
Description: Indirect Administration

Supplemental Schedule B Measure Definitions

Goal A

Provide for a Fair and Efficient Administrative Hearings Process.

Objective A-1

Ensure that All Hearings are Conducted in a Fair and Impartial Manner.

Outcome Measures

Percentage of Participants Surveyed Satisfied with Overall Process

Definition

“Overall process” includes all actions by SOAH, beginning with setting of hearing, continuing through the hearing and presentation of PFD.

Purpose

This survey allows SOAH to receive feedback from hearing participants and to monitor the participants’ overall satisfaction with the hearings process.

Data Source

Survey.

Methodology

Eligible parties are identified from General Docket and ALR databases. Emails directing parties to the online survey or hard copy surveys are sent. Confidential cases are eliminated from the mailing, as needed. A vendor provided survey tool is used to collect and compile the survey information. The survey tool generates reports calculating the percentage of participants satisfied with the overall process.

Data Limitations

Calculation of this measure is necessarily limited to the percentage of survey responses received. In addition, given the nature of SOAH's function as a quasi-judicial tribunal with winners and losers in each case, the receipt of some negative responses is expected.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Percentage of Proposed Tax Decisions Issued within 60 Days of Record Closing**Definition**

This measure identifies the number (stated in percent) of Tax Division PFDs issued within 60 calendar days of the date the record closed.

Purpose

This measure is an indication of the timeliness of the PFDs issued by the Tax Division ALJs for the Tax cases.

Data Source

Tax Division ALJs, Docket Change forms, and SOAH's Case Management System (CMS).

Methodology

A report is generated from the database (CMS) that lists all Tax Division cases where PFDs were issued during the pertinent reporting period and, for each case listed, provides the date the record closed and the date the tax PFD was issued. The report computes the number of days between the record closed date and the PFD issuance date. The number of tax PFDs that were issued within 60 calendar days is totaled and then divided by the total number of tax PFDs issued during the reporting period to compute the percentage of tax PFDs issued with 60 calendar days (equivalent to 40 working days).

Data Limitations

N/A.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Strategy A-1-1

Conduct hearings and prepare proposals for decisions and final orders.

Output Measures

Number of Hours Billed (General Docket Hearings and ALR Hearings)

Definition

The total number of hours billed on cases for services provided during the reporting period is obtained through SOAH's time database.

Purpose

This measure tracks the amount of billed work performed by SOAH ALJs and, when authorized by interagency contract, paralegals or administrative assistants.

Data Source

SOAH's time database.

Methodology

A report is generated from a SOAH database for the reporting period which calculates the number of hours billed.

Data Limitations

This measure is dependent upon the amount of work referred to SOAH by other state agencies.

Calculation Method

Cumulative.

New Measure:

No.

Target Attainment:

Higher than target.

Number of Administrative License Revocation Cases Disposed

Definition

All ALR cases disposed are entered into the ALR database and counted.

Purpose

This measure serves as a means to determine the number of ALR cases disposed during the reporting period.

Data Source

Final Orders recorded in the ALR database.

Methodology

A report is generated from the ALR database with a count of cases decided (i.e., disposed) during the reporting period.

Data Limitations

This measure is dependent upon the number of DWI arrests resulting in a request for hearing at SOAH and the accuracy of the ALR database which is owned and controlled by DPS.

Calculation Method

Cumulative.

New Measure

No.

Target Attainment

Higher than target.

Number of General Docket Cases Disposed

Definition

The number of General Docket cases for which SOAH transmits to the referring agency a Proposal for Decision or a final Order during the reporting period.

Purpose

This measure indicates the number of General Docket cases disposed during the reporting period.

Data Source

Docket Change Forms recorded in CMS.

Methodology

A report is generated from the CMS database with a count of final Orders issued during the reporting period.

Data Limitations

This measure is dependent upon the number of cases referred by other state agencies.

Calculation Method

Cumulative.

New Measure

No.

Target Attainment

Higher than target.

Percent of Available Administrative Law Judge Time Spent on Case Work

Definition

Amount of time recorded by Administrative Law Judges (ALJ) working on General Docket and Administrative License Revocation (ALR) cases as a percentage of total available time. This measure includes time spent on alternative dispute resolution (ADR).

Purpose

To provide information on the utilization of ALJ time.

Data Source

ALJ time entries for all casework and leave. Total available hours in each quarter.

Methodology

Identify the number of hours paid in the period utilizing payroll records. Subtract all holiday and leave hours taken by each ALJ to establish available time to work. Identify the number of hours charged to casework for each ALJ. Casework includes time working on ADR since the same ALJs work on both hearings and ADR. Divide total hours charged to casework by available time to work. Reflect calculation as a percentage.

Data Limitations

N/A.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Percent of Case Time Spent on General Docket (Non-ALR) Cases**Definition**

The proportionate amount of total case time worked by ALJs on General Docket (non-ALR) cases.

Purpose

This measure indicates how much of the ALJ workload is spent on General Docket (non-ALR) cases.

Data Source

General Docket and ALR databases.

Methodology

General Docket time divided by all case time.

Data Limitations

General Docket and ALR databases.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Number of Proposals for Decision Related to Tax Hearings Issued by ALJs

Definition

This performance measure seeks to identify the number of proposal for decisions issued during the reporting period by ALJs in SOAH's Tax Division.

Purpose

The purpose of this measure is to track the number of proposals for decisions issued in contested tax cases.

Data Source

Tax ALJs, Docket Change forms, and SOAH's Case Management System (CMS).

Methodology

A report is generated from the database (CMS) that lists and totals the number of Tax PFDs issued during the reporting period.

Data Limitations

N/A.

Calculation Method

Cumulative.

New Measure

No.

Target Attainment

Higher than target.

Efficiency Measures

Average Number of Days from Close of Record to PFD or Final Order Issuance

Definition

This measure identifies the average number of calendar days following the close of the record to the issuance of the Proposal for Decisions (PFD) or final order for all General Docket hearings during the reporting period.

Purpose

This measure monitors the amount of time for issuance of an ALJ decision once the record has closed.

Data Source

ALJs, Docket Change forms, Billing entries and SOAH's Case Management System (CMS).

Methodology

A report is generated from the database (CMS) that calculates the total number of calendar days from close of record to issuance of the Proposals for Decision (PFD) or final orders for all hearings during the reporting period, and divides this number by the total number of PFDs or final orders. The resulting number is the average number of days from the date the record closes to the issuance of a PFD.

Data Limitations

N/A.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Lower than target.

Median Number of Days to Dispose Case**Definition**

The median number of days between the date that the General Docket case is received by SOAH and the day that the case is finally disposed.

Purpose

This measure provides an indication of the efficiency of the administrative hearings process.

Data Source

ALJs, Docket Change forms and SOAH's Case Management System (CMS).

Methodology

A report is generated from the database (CMS) that counts, for each case, the number of calendar days between the date that the case is received by SOAH and the day that the case is finally disposed by SOAH during the reporting period, and calculates the median number of days for those cases disposed in the reporting period.

Data Limitations

This measure is partially dependent upon whether the parties are ready to immediately proceed to hearing or request continuances. It is also impacted by interlocutory appeals to district court or to agencies which delay the process.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Lower than target.

Average Days to Issue Proposed Tax Decision Following Record Closing

Definition

This measure identifies the average number of calendar days following the close of the record that Tax Division ALJs took to issue tax PFDs.

Purpose

This measure captures the efficiency of the Tax Division ALJs in issuing tax PFDs.

Data Source

Tax ALJs, Docket Change forms, and SOAH's Case Management System (CMS).

Methodology

A report is generated from the database (CMS) that lists all Tax Division cases where PFDs were issued during the pertinent reporting period and, for each case listed, provides the date the record closed and the date the tax PFD was issued. The report computes the number of days between the record closed date and the PFD issuance date for each case, and the sum of the days represents the total number of calendar days for all cases in the reporting period. The resulting sum is divided by the total number of PFDs issued during the reporting period for Tax Division cases to calculate the average number of calendar days between the record closed date and the PFD issuance date for all Tax Division cases during the reporting period.

Data Limitations

N/A.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Lower than target.

Explanatory Measures**Number of Administrative License Revocation Cases Received****Definition**

The number of Administrative License Revocation (ALR) cases that are referred by the Department of Public Safety to SOAH.

Purpose: This measure tracks the number of cases referred by the Department of Public Safety and serves as an indicator of SOAH's workload.

Data Source

Request to Docket Case form and SOAH's ALR database.

Methodology

A report is generated from SOAH's ALR database that counts the total number of cases referred by the Department of Public Safety to SOAH during the reporting period.

Data Limitations

This measure is dependent upon the number of cases referred by the Department of Public Safety.

Calculation Method

Non-cumulative.

New Measure:

No.

Target Attainment

Higher than target.

Number of General Docket Cases Received

Definition

The number of General Docket cases that are referred by agencies to SOAH.

Purpose

This measure tracks the number of cases referred by other state agencies and serves as an indicator of SOAH's workload.

Data Source

Request to Docket Case form and SOAH's CMS.

Methodology

A report is generated from SOAH's database (CMS) that counts the total number of cases referred by other state agencies to SOAH during the reporting period.

Data Limitations

This measure is dependent upon the number of cases referred by other state agencies.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Number of Agencies Served

Definition

The Hearings Activity Report Process (HARP) system records all cases transferred to SOAH's jurisdiction and is used to count the number of agencies for which SOAH has docketed new cases; re-set previously docketed cases; held prehearings/post-hearings and/or hearings; and/or issued PFDs.

Purpose

This measure serves as an indicator of the volume of SOAH's customer base for its workload.

Data Source

Request to Docket Case form, Case Management System (CMS) and HARP.

Methodology

The total number of agencies served for the reporting period is counted

Data Limitations

This measure is dependent upon jurisdiction changes, agency structural changes (*i.e.*, abolished, merged, consolidated), and legislation.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Number of Complaints Received Regarding Hearing Process

Definition

Total number of written formal complaints received by SOAH during the reporting period from referring agencies and /or outside parties, pertaining to the hearings process.

Purpose

This measure serves to count the complaints received from individuals not satisfied with the hearings process.

Data Source

Referring agencies and outside parties.

Methodology

Total number of written complaints received by SOAH are counted for the reporting period.

Data Limitations

This measure is dependent upon the participants filing a complaint with SOAH relating to the hearing process. In addition, it might also be dependent upon the ruling received

by the participants (*i.e.*, if an unfavorable decision was received, the participants might be more inclined to respond negatively).

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Lower than target.

Percent of PFDs Changed, Vacated or Modified by Governing Boards

Definition

A record is maintained in the Case Management System (CMS) of all PFDs issued. A record is also maintained of all signed Orders returned to SOAH by referring agencies.

Purpose

This measure counts the number (stated as percent) of decisions (non-ALR) issued by an ALJ that are not upheld by a referring agency's governing board.

Data Source

Referring agencies, ALJs, SOAH's Case Management System (CMS).

Methodology

A report is generated of agency orders returned to SOAH that reflect substantive changes to proposed findings or conclusions, or reflect that the PFDs have been vacated or modified by the governing boards and/or commissions. The number of final Orders reflecting a change, modification or a vacating, divided by the total number of PFDs issued, multiplied by 100 (to present data in percentage format), yields the percentage changed, vacated or modified.

Data Limitations

This measure is dependent upon the referring agency forwarding its board's final Order for each hearing.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Lower than target.

Objective A-2

Provide an opportunity for Alternative Dispute Resolution proceedings.

Outcome Measures

Percentage of Participants Surveyed Satisfied with Overall ADR Process

Definition

“Overall process” includes all actions by SOAH related to the ADR process.

Purpose

This survey allows SOAH to receive feedback from ADR participants and to monitor the participants’ overall satisfaction with the ADR process to monitor the participants’ overall satisfaction with the mediation process.

Data Source

Survey.

Methodology

Eligible parties are identified from General Docket and ALR databases. Emails directing parties to the online survey or hard copy surveys are sent. Confidential cases are eliminated from the mailing, as needed. A vendor provided survey tool is used to collect and compile the survey information. The survey tool generates reports calculating the percentage of participants satisfied with the overall ADR process.

Data Limitations

Calculation of this measure is necessarily limited to the percentage of survey responses received. In addition, given the nature of SOAH’s function as a quasi-judicial tribunal with winners and losers in each case, the receipt of some negative responses is expected.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Strategy A-2-1

Conduct Alternative Dispute Resolution proceedings.

Output Measures

Number of Hours Billed to Alternative Dispute Resolution Cases

Definition

The total number of hours billed on mediation and arbitration proceedings (excluding mediations in TCEQ cases conducted by TCEQ).

Purpose

This measure indicates the number of hours of SOAH's workload spent in mediation and arbitration proceedings.

Data Source

ALJs, SOAH time database.

Methodology

A report is generated from the SOAH time database that totals the number of hours billed on mediation and arbitration events and/or cases for the reporting period.

Data Limitations

This measure is dependent on the number of mediation and arbitration cases referred as well as the varying complexity.

Calculation Method

Cumulative.

New Measure

No.

Target Attainment

Higher than target.

Number of Cases Resolved through Alternative Dispute Resolution

Definition

This includes the number of cases that are resolved through mediation (*i.e.*, by agreement of the parties with the assistance of a mediator) and the number of final Orders issued in arbitrations, as well as the number of any other matters resolved by the use of other ADR processes.

Purpose

This indicates the success of the ADR program.

Data Source

ALJs, Docket Change form, SOAH's Case Management System (CMS).

Methodology

A report is generated from the Case Management System (CMS) for the total number of cases resolved by mediation and ADR processes for the reporting period.

Data Limitations

Number of cases referred to ADR by ALJs or state agencies.

Calculation Method

Cumulative.

New Measure

No.

Target Attainment

Higher than target.

Efficiency Measure**Median Number of Days to Dispose Alternative Dispute Resolution Cases****Definition**

The median number of days between the date an Alternative Dispute Resolution (ADR) case is received by SOAH and the day the case is finally disposed.

Purpose

This measure provides an indication of the efficiency of the ADR program.

Data Source

ALJs, Docket Change forms and SOAH's Case Management System (CMS).

Methodology

A report is generated from the database (CMS) that counts, for each case, the number of calendar days between the date that the ADR case is received by SOAH and the day that the case is finally disposed by SOAH during the reporting period, and calculates the median number of days for those cases disposed in the reporting period. Data

Limitations: This measure is partially dependent upon whether the parties are ready to immediately proceed to mediation or arbitration.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Lower than target.

Explanatory Measure

Number of Alternative Dispute Resolution Cases Requested or Referred

Definition

All mediation or arbitration cases referred.

Purpose

This measure counts the number of mediations requested and arbitrations elected by parties or state agencies, or cases in which an ALJ suggests mediation and the parties agree to mediation.

Data Source

ALJs, Request to Docket Case form, Docket Change form, SOAH's Case Management System (CMS).

Methodology

A report is generated from the database (CMS) totaling the number of ADR requests received (*e.g.*, requested or referred).

Data Limitations

This measure is dependent on the number of mediations requested by parties or referred by ALJs, and the number of arbitrations elected by parties' cases referred by an ALJ or other state agencies.

Calculation Method

Non-cumulative.

New Measure

No.

Target Attainment

Higher than target.

Supplemental Schedule C Historically Underutilized Business Plan

Mission

The State Office of Administrative Hearings is committed to assisting Historically Underutilized Businesses (HUBs) in their efforts to do business with the State of Texas. SOAH will assist HUB vendors in obtaining state HUB certification, actively educate vendors on the agency's procurement policies and procedures, increase the number of HUB vendors contacted for procurement opportunities, and encourage vendors to participate in the agency's purchasing process. The agency encourages prime contractors to meet the agency goal by providing subcontracting opportunities to HUBs.

Goal

The goal of this program is to promote fair and competitive business opportunities for all businesses contracting with the state of Texas.

Objective

SOAH will make a good faith effort to meet or exceed the state's HUB goals in all its eligible procurements.

Outcome Measure

The outcome measure is the percentage of total dollars paid to HUBs per procurement category.

Strategy

The strategy is to utilize the State of Texas procurement procedures to actively identify and educate HUBs on the state's program and SOAH's procurement needs, and to assist HUBs in their efforts to do business with the state.

Adoption of Statewide HUB Goals

Using the State of Texas Disparity Study as a basis, the Comptroller of Public Account's (CPA) Statewide Procurement Division (SPD) has outlined the State's HUB utilization goals by procurement category and disparity area, as follows:

Procurement Category	Goal	Disparity Areas
Professional Services	23.7%	African American, Hispanic, Woman, Native American, Asian Pacific
Commodities	21.1%	African American, Hispanic, Woman, Native American, Asian Pacific
Other Services	26.0%	African American, Hispanic, Woman, Native American, Asian Pacific

SOAH's HUB goals for the construction categories (Heavy Construction, Building Construction, and Special Trade Construction) vary from the statewide HUB goals specified in the 2009 State of Texas Disparity Study and as defined in 34 Tex. Admin. Code §20.13 because SOAH does not anticipate having any expenditures in those categories.

Output Measure

- Number of bids received from HUB vendors.
- Number of bids awarded to HUB vendors.
- Number of HUB forums the agency participated in or sponsored.

HUB Programs

To meet the goals and objectives for utilizing HUBs at SOAH, the agency will engage in the following outreach activities:

Purchasing procedures – the agency utilizes the CPA's centralized master bidder's list (CMBL) and sends notifications of bid opportunities to certified HUBs. The agency requires a minimum of two HUB bids for every procurement requiring a bidding process. In addition, the agency first attempts to identify certified HUBs for those purchases not requiring a bidding process.

HUB subcontracting plan – the agency requires a HUB subcontracting plan from vendors for all contracts for the acquisition of goods and services with an expected value of \$100,000 or more. The purchasing team will review information submitted by vendors concerning their subcontracting plans. Subcontracting information will be submitted in a standard format established and provided by the agency. The successful contractor will be required to make a good faith effort to achieve the estimated level of HUB participation and periodically report data to document that effort.

HUB forums – the agency attends various HUB forums in order to identify opportunities for HUBs to do business with SOAH. The agency’s HUB coordinator works with other agencies to sponsor forums for HUBs that present information about specific procurement opportunities at SOAH.

Mentor-Protégé Program – the agency is working with the CPA to implement a mentor-protégé program to foster long-term relationships between prime contractors and HUBs.

Supplemental Schedule D Capital Planning

The agency does not anticipate any capital items greater than \$1 million in Fiscal Years 2022-2023. The agency has submitted its capital plan separately to the Bond Review Board in accordance with the instructions.

Supplemental Schedule E Health and Human Services

This schedule does not apply to the agency.

Supplemental Schedule F Agency Workforce Plan

Agency Overview

As mentioned in the agency's mission statement, the State Office of Administrative Hearings (SOAH) is to serve as an independent, neutral forum for the State of Texas by providing a fair and efficient hearings process and the opportunity for alternative dispute resolution proceedings, in accordance with Chapter 2003 of the Texas Government Code.

SOAH resolves disputes between Texas agencies, other governmental entities, and private citizens either through an administrative hearing or mediation. The office is separate and independent from the agencies involved in the disputes. The administrative law judges (ALJ) who preside over the disputes are neutral. The agency handles approximately 25,000 Administrative License Revocation (ALR) hearings, and 5,900 General Docket hearings annually.

Strategic Goals and Objectives

- Goal: To provide for a fair and efficient administrative hearings process.
- Objective: Ensure that all hearings are conducted in a fair and impartial manner.
Provide an opportunity for alternative dispute resolution proceedings.

Workforce Profile

The agency is authorized 123 Full Time Equivalent (FTEs) in the General Appropriations Act. SOAH's Chief Administrative Law Judge is appointed by the Governor and serves as the agency's Executive Director.

SOAH continues to reorganize in order to streamline workflow and increase efficiencies. Currently SOAH is divided into three divisions. The three divisions reporting to the Chief Administrative Law Judge include:

- **Hearings Division**
The Hearings Division is led by the Deputy Chief for Hearings and oversees all hearings and mediations. Reporting to the Deputy are the ALJs, field operations, and hearings support staff. In Fiscal Year 2020, Legal Secretaries were realigned and now report directly to the Hearings Support Manager. This realignment provides more efficient distribution of work assignments and ensures consistency in quality of work product. A new position was also created to help manage case record close-out to ensure all cases were filed and organized according to the agency standard. This helps facilitate the records disposition process as well.
- **Operations Division**
The Operations Division is led by the Chief Operating Officer/Chief Financial Officer (COO/CFO) who oversees the Finance, Human Resources, Contracting, and Information Technology (IT) functions. The COO/CFO position streamlines the management of Operations for the agency. In Fiscal Year 2020, the agency created a new position to help support the growing needs of Information Technology. This new position will streamline the help desk functions, implement more effective problem resolution, and standardize IT process and procedures.
- **General Counsel Division**
The General Counsel Division is led by the General Counsel who oversees public information requests, records management, SOAH policies, and responds to legislative and media requests. In Fiscal Year 2019, the agency created a new position to support the growing needs of information requests and legal inquiries. The Assistant General Counsel position supports the General Counsel by reviewing public information requests, assisting with records retention management, and spearheading the review and update of SOAH policies.

The majority of SOAH's employees have education beyond high school, with over 50 percent having advanced degrees. All Administrative Law Judges require a Juris Doctor degree; therefore, it is critical to the mission of the agency to recruit, hire, train and retain an educated workforce.

Demographics

The statistical information provided in this Workforce Plan is based on data from the State Auditor's Office classification system, as of August 31, 2019.

Fiscal Year 2019, SOAH's workforce was comprised of 116.5 employees:

- 30% Male
- 70% Female

The percentage of women working at the agency is higher than the State of Texas average of 53.50%.

Of the agency employees:

- 81% are over the age of 40, compared to the statewide population of 57.7%
- Median age is 50 years of age
- 38% are of a minority ethnicity, compared to the statewide workforce of 49.66%
- 23.82% have 5 years or less agency service
- 16.95% have 5 – 10 years of agency service
- 59.23% have more than 10 years of agency

Workforce Eligible to Retire

Based on ERS projections, approximately 36% of current employees will be eligible to retire by the end of fiscal year 2023. Projected retirements are a significant staffing issue for the agency considering the number of staff that are eligible to retire over the next five years. In Fiscal Year 2020 alone, more than 20 employees are currently able to retire. While all areas of the agency will be impacted by retiring staff, several other factors will impact the transition. These include:

- Effective succession planning,
- Knowledge transfer,
- Establishment and maintenance of current Policies and Procedures (P&Ps), and
- Development of staff using current computer technologies.

Veteran Workforce

The agency's veteran workforce is less than 6%, falling short of the statewide target of 20%. Job postings are shared with the Texas Veteran's Commission, and the agency provides a military cross-walk for all external job postings. The agency adheres to the statutory requirement to interview qualified veterans for all job openings.

SOAH will continue to focus on providing information regarding job opportunities to veterans and will seek opportunities to be more innovative in the recruitment of veterans for SOAH positions. Human Resources will network with other state agency Veteran's Liaisons to build stronger partnerships with Veteran organizations and communicate employment opportunities within SOAH.

Agency Turnover

The agency's turnover rate is 20.6%, largely due to the nature of an aging workforce and retirements. However, SOAH's turnover rate is below the statewide average of 21.2%. The job titles with the highest turnover rates include:

- Administrative Law Judges – 23%
- Legal Secretary – 17.8%

Because SOAH is considered a medium sized agency, career opportunities in some job titles are limited to business needs and financial constraints that may restrict the opportunity for promotions in various job titles. A few employees took positions outside the agency in order to advance their career. SOAH is constrained by FTEs to promote employees to higher job classifications if there is not a business need for that higher job classification.

As SOAH continues to grow employees professionally, employees ready to advance to a higher job classification may feel the need to seek employment elsewhere in the state, possibly at a larger state agency. Thus, SOAH experienced increased turnover as anticipated. Due to projected retirements, SOAH expects this trend to continue with the turnover rate steadily increasing over the next five years. For Fiscal Year 2019, the top three reasons reported for voluntary separations from the agency based on the State Auditor's Office exit survey:

- Retirement
- Better pay/benefits
- Little or no career advancement opportunities

Projected Agency Turnover over Five Years

Factors listed above are expected to remain; therefore, SOAH anticipates a higher turnover rate over the next five years. SOAH's turnover may reflect the increased statewide turnover rate.

Although turnover is projected to increase, each position vacated creates an opportunity to replace that position with a candidate who matches the evolving skill-set needed as the agency modernizes and increases efficiencies. In Fiscal Year 2020, the agency was able to hire qualified candidates who have essential computer skills required for moving the agency forward to successfully meet future goals.

Workforce Skills Critical to the Mission

SOAH requires a workforce with a variety of critical skills and a high level of education to effectively fulfill the core functions. Based on the agency's mission, the dominant skill sets needed are listed below:

- Emerging and advanced technology skills
- Research, writing, and review skills
- Effective communication
- Understanding of laws, rules, and policies
- Time and personnel management skills
- Data analysis and management
- Change management

SOAH reviews positions on a regular basis and identifies the basic and advanced technical knowledge, skills, and abilities associated with each job classification.

Workforce Allocation

The current staffing for SOAH includes:

Hearings Division, directed by the Deputy Chief for Hearings

- 33 Austin Administrative Law Judges
- 22 Field Administrative Law Judges, including a Field Operations Director
- Hearings support includes a Manager, Chief Clerk, Docketing Clerks, Legal Secretaries, and Legal Assistants

Operations Division, directed by the Chief Operating Officer/Chief Financial Officer (COO/CFO)

- Finance employees include Finance Director, Accounting, Budget, Payroll, Purchasing, and HUB
- Human Resources employees including HR Manager and HR Specialist
- Information Technology employees including IT Director, Security Officer, and IT Support

General Counsel Division, directed by the General Counsel

-
- Assistant General Counsel
 - Program Specialist

Fiscal Year 2019 SOAH's EEO Classifications:

- Officials & Administrators – 8.37%
- Professionals – 55.36%
- Administrative Support – 31.9%
- Paraprofessionals – .85%
- Technicians – 3.43%

Expected Workforce Changes

As part of the strategic plan, the agency continues to focus on increasing efficiencies in workflow and quality work products through utilization of modern technologies. The most recent example of implementing new technologies was the agency's successful launch of eFile Texas in March 2020. This project required an agency-wide effort to coordinate, train, and communicate new procedures to agency staff, external agencies, and parties.

In addition, the agency is currently in the process of implementing a new case management system, Administrative Case Tracking System (ACTS), which requires the continued emphasis on modern technologies. In Fiscal Year 2019, the agency awarded a contract to the vendor for the ACTS project. Fiscal years 2020 and 2021 will be critical in the successful completion of the ACTS project. The project will require additional computer training for current employees to enhance existing skill-sets in all areas of the agency. Change management skills will be needed to advance the agency and realize efficiencies through process evaluation.

Other changes in workloads will depend on the number and complexity of cases referred to the agency.

Compensation

The results from the most recent Survey of Employee Engagement confirmed that salary remains the number one gap related to job satisfaction. Beyond retirements, exit surveys indicate turnover is due partially to salary. The agency continues to review its positions and classification, including conducting comparisons of classifications with other state agencies, in order to mitigate turnover and ensure the agency is competitive in today's modern world.

The agency routinely reviews the Administrative Law Judges' salaries to ensure they are comparable to peer agencies with similar job functions or titles.

In Fiscal Year 2019, the agency reviewed Administrative Support, Legal Secretary, and Docketing Clerk job descriptions and increased the base salaries when positions made less than \$40,000. This action was critical to SOAH to mitigate turnover and to be more competitive for recruiting purposes in those areas. This increase allowed SOAH to hire better qualified candidates and retain current employees considering leaving SOAH.

SOAH has also experienced recruiting difficulties for some Information Technology and Finance positions and has had to increase the base pay offers to hire best candidates.

The year-over-year comparison of average salary for the agency has increased in order to recruit and hire the best person for the job. The agency will continue to optimize funding for salary actions that will be critical to the agency's success in meeting the agency's mission and strategic goals.

Increase Diversity

SOAH recognizes the need to improve the diversity of the workforce.

- 38% of SOAH's workforce is comprised of ethnic minorities;
- 12.6% of the SOAH's workforce is black. This percentage is below the statewide average and does not reflect State of Texas demography.

Recruiting

Innovative, targeted recruiting will be required in the future to become a more diversified agency.

Objective

20% of the agency's workforce should be veterans. SOAH has fallen short in achieving compliance with Senate Bill 805, as passed by the 84th Legislature. SOAH will continue outreach efforts by networking and building partnerships with veteran organizations. Similar to other medium sized agencies, recruitment and retention of staff in direct administration can be challenging.

IT professionals, purchasers, and finance professionals are difficult to replace. Succession planning can be problematic in these areas where there is a large skill gap between managers and staff. Recruitment focused on technology driven professionals will help close the gap in computer skill sets.

Increase Alternate/Flexible Work Programs

In order for the agency to recruit and retain employees, the modern workforce requires flexible work options for work life balance. The agency continues to evolve as the workforce does, offering flexible work schedules and teleworking options.

Training

Innovative, targeted training will be required in the future to become a more knowledgeable agency.

In Fiscal Year 2019, the Chief ALJ implemented targeted training for the agency with an emphasis on two critical areas:

- Training supervisors and team leaders
- Training new ALJs.

These training programs have been well received by participants, based on employee engagement survey results. Training ensures better consistency in administering processes and procedures as well as better accuracy in final work products.

Ongoing targeted training is required in order for SOAH to be successful.

Technology

The agency has historically been a paper-based agency with documents and forms being printed, signed, and returned in hardcopy. Efficiencies and savings can be realized converting to electronic data processing, versus paper, printing, and handling documents manually. As newer technologies have been made available to the agency, such as eFile, eSignature, tele/video conferencing, and the new case management system, it will continue to require information technology training for all employees. These can include:

- Computer based trainings,
- Tutorials,
- Applications, and
- Desk aids or Guides.

Policies, Procedures and Forms

The agency is currently in the process of modernizing all of SOAH's policies. In Fiscal Year 2020, SOAH created and updated standard templates for Policies, Procedures, and Forms. This project included making most forms ADA compliant and available to sign electronically. In addition, the agency implemented a review process administered by the General Counsel team. This review process ensures policy compliance with state laws, rules, and regulations. Having policies, procedures, and forms current ensure all employees follow the same process and increases efficiency.

Communication

In Fiscal Year 2020, the agency launched a redesigned intranet, Court Central, to communicate more effectively with all employees. Court Central provides current information that is easy to locate by subject and content. By providing accurate information on Court Central, employees have the opportunity to become more self-sufficient in managing their workload. All current policies, procedures, and forms can be found on Court Central.

Court Central is now the primary location of agency wide messaging and news. New hires utilize the website as their go-to source for onboarding activities and checklists. This provides for efficiencies by allowing Human Resources to focus on critical needs as well as reducing agency wide emails, thus saving management and IT resources.

Change Management

With technology advancements comes the need for specialized skills in change management. This may present a recruitment challenge. Creating job postings that accurately define the needed skill-sets will be critical to recruiting, hiring, and retention.

Self-Service

With the evolution of self-service platforms from Employee Retirement System (ERS) and the Centralized Accounting and Payroll/Personnel System (CAPPS), employees are required to take more initiative in managing their business. ERS is used by employees to manage benefits such as health insurance and retirement. CAPPS is used by employees to manage their time, leave, pay, as well as manage and receive their IRS tax documents. Information maintained in ERS and CAPPS is secured and accurate. Human Resources will continue to create desk aids and train staff in order to increase their ability to use the self-service platforms. This increases efficiencies and aligns with the strategic goals of modernization.

Strategic Development

In order for the agency to meet the demands of the future and ensure the workforce plan supports the mission, goals, and strategic plan, the following strategies will be implemented.

Strategy 1: Modernization

The agency will continue to modernize through on-going and new projects. With the implementation of the new case management system, eFile, new methods of conducting hearings, and updated forms and procedures, the agency will realize efficiencies. Through this transformation, employees will become more efficient and effective in their work product, from Hearings, Legal, to Operations.

Strategy 2: Organizational Training

The agency will continue to focus on developing agency-wide and targeted trainings. This encompasses the development of updated on-board training for new employees, the creation of a biennial schedule for regular and ongoing training on key topics for all SOAH employees, and the development of a strategy for consistent position-specific education and training for all SOAH employees.

In developing such a plan, SOAH will consider all available sources of training, including technological solutions.

Supplemental Schedule G Workforce Development System Strategic Planning

This schedule does not apply to the agency.

Supplemental Schedule H Report on Customer Service

Introduction

As required by Texas Government Code Chapter 2114, the agency gathers information from external customers annually regarding quality of service. Additionally, the agency has two Performance Measures, one for Hearings and one for Alternate Dispute Resolution (ADR), that measure the percentage of participants who are satisfied with the overall process for administrative hearings and ADR respectively.

The agency conducts two separate online customer service surveys, one for the Hearings strategy and one for the Alternative Dispute Resolution (ADR) strategy. The respective surveys were targeted to the appropriate group of external customers and the survey questions were tailored to the specific strategy, as to elicit more useful information. Over the last few years, the agency has successfully broadened the scope of external customers who receive the survey, to ensure that the survey is reaching as many participants as possible. In Fiscal Year 2019, the agency had 198 respondents to the surveys.

Inventory of External Customers and Services

External Customers – Hearings: Strategy A.1.1 is to conduct hearings. SOAH conducts administrative hearings for more than fifty state agencies each year, across a wide variety of subject areas. Within the Hearings strategy, the work is generally divided into Administrative License Revocation (ALR), which are referred by the Department of Public Safety, and General Docket (all cases other than ALR).

External Customers – ADR: Strategy A.1.2 is to conduct ADR proceedings. Most ADR proceedings are mediations. Mediation cases include cases that were referred specifically for the purpose of conducting a mediation as well as cases that were originally referred to the agency for a hearing but the parties agreed to proceed to mediation. As with hearings, the cases within the ADR strategy represent a broad cross-section of subject areas.

In terms of methodology, the applicable time period for the 2019 survey was September 1, 2018 through August 31, 2019. For Hearings, SOAH identified all cases that were concluded within this time period, whether by the issuance of a proposal for decision, decision and order, or order of dismissal. For ADR, SOAH identified all cases where there was an ADR event (such as a mediation held) during this time period. For each responsive case, contact information was then gathered from various SOAH databases and systems.

For both Hearings and ADR, the pool of external customers included both attorneys and self-represented litigants. (For cases deemed “confidential,” however, SOAH directed

the surveys only to counsel of record, not self-represented litigants, to protect the parties' privacy and ensure compliance with all applicable confidentiality requirements.)

Method of Collection

The agency disseminated its customer service surveys to external customers in September 2019. The surveys are conducted annually.

The agency utilized emails provided by the parties to develop a distribution list. An email is then sent with a link to all parties on the distribution list. Reminder emails are sent one week before the deadline, one day before the deadline, and the day of the deadline.

Questions and Responses

The Hearings and ADR surveys solicited feedback on all aspects of the process, including experiences with different departments at the agency, the facilities, and the hearings or mediation process. Both surveys also provided the opportunity for additional comments.

The survey is available to external customers, including those served in our seven field offices, not just those of the Austin Office. The agency's field offices, which handle a significant amount of SOAH's ALR cases, are located in Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Lubbock, and San Antonio. On the Hearings survey, 78.31% of the respondents were providing feedback on contact with the Austin office. On the ADR survey, the Austin office accounted for 96.77% of the responses.

For the Hearings survey, SOAH sent the survey to 719 external general docket customers, and 166 responded, for a total response rate of 23.0%. For the ADR Survey, SOAH sent the survey to 129 external customers, and 32 responded, for a total response rate of 24.8%.

Survey Responses – Hearings

Question	Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree	N/A
Administrative/docketing staff were courteous and professional	85	52	8	2	2	10
Administrative/docketing staff were helpful and responsive to my inquiry, request for assistance	67	58	7	3	3	18
Administrative/docketing staff were knowledgeable about the hearings process at SOAH	65	45	21	6	2	14
ALJ was knowledgeable about the law and procedures in my case	62	46	17	11	10	4
ALJ was courteous and professional	85	42	7	4	2	8
ALJ conducted my hearing fairly and efficiently	69	45	12	8	5	8
Decision in my case was clear and well-written	57	47	16	8	11	6
Hearing room was clean and well-kept	52	62	12	2	0	16
Office location was accessible	50	55	9	13	4	13
Self-represented litigant guides provided by SOAH are clear and understandable	14	24	19	1	6	78
SOAH's website is user – friendly, easy to use and navigate	22	45	37	21	4	13
Overall, I was satisfied with the hearings process at SOAH	48	57	14	13	8	2

Survey Responses - ADR

Question	Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree	N/A
Administrative/docketing staff were courteous and professional	18	9	3	0	0	2
Administrative/docketing staff were helpful and responsive to my inquiry, request for assistance	15	10	3	0	0	3
Administrative/docketing staff were knowledgeable about the mediation process at SOAH	14	10	2	0	0	4
Mediator was courteous and professional	25	3	1	0	0	0
Mediator was fair and impartial	21	5	2	0	1	0
Mediator understood the issues and relevant law	18	7	4	0	0	0
Mediator controlled the process and kept it moving efficiently, allowing parties adequate time to evaluate options without rushing	21	4	3	1	0	0
Did your case settle as a result of mediation?	Yes - 22	No - 7				
Mediation room was clean and well-kept	12	12	3	0	0	2
Office location was accessible	10	12	2	1	1	3
Self-represented litigant guides provided by SOAH are clear and understandable	6	1	7	0	0	15
Mediation brochure provided by SOAH is clear and understandable	6	3	8	0	0	12
SOAH's website is user – friendly, easy to use and navigate	6	7	8	2	2	3
Overall, I was satisfied with the mediation process at SOAH	17	7	2	1	1	0

Analysis of Responses

Overall Analysis of 2019 Results

On the whole, the 2019 survey results demonstrate that SOAH’s external customers are generally satisfied with the quality of the process they experience at SOAH, in both Hearings and ADR. For Hearings, the overall satisfaction rate was 90.58%. On the ADR survey, the overall satisfaction rate was 97.03%.

It is also important to note that the Hearings function is inherently adversarial in process, and the parties being surveyed are from both sides of the case. If a case proceeds to an adjudicated outcome, then typically one party has prevailed and one party has not prevailed. While the surveys are prefaced with the statement that the survey seeks input on the quality of the process and not whether a party is satisfied with the substantive outcome in their case, the adversarial nature of the process may affect a customer’s willingness to respond to the survey and their answers.

Improvements to Survey Process

As the new case management system is implemented, SOAH anticipates attorney and party contact information to be more complete, current, and available, which should result in a larger number of parties participating in the survey.

Improvements Based on Survey Feedback

Of the negative comments resulting from the survey, those that were not focused on the outcome of a particular case tended to raise questions about the qualifications, substantive knowledge, and professionalism of individual ALJs. SOAH’s new training program, based on national best practices, is designed to address this type of concern. Creating a business process for maintaining substantive updates on significant areas of law, particularly Texas evidentiary practice, will help to assure high quality hearings that result in uniform application of the law.

Another subset of negative comments focused on the desirability of an improved mechanism for filing documents and evidence. SOAH’s implementation of eFile Texas as the electronic filing service addresses these concerns.

Performance Measure Information

Customer Service Standard Measures	FY 2019 Hearings	FY2019 ADR
Percentage of Surveyed Customer Respondents Expressing Overall Satisfaction with Service Received	90.58%	97.03%

The agency anticipates similar results for Fiscal Year 2020.