

AGENCY STRATEGIC PLAN

FISCAL YEARS 2019-2023

BY

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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AUSTIN, TEXAS

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SIGNED AND APPROVED: _____

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Agency Mission

The mission of 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.

Agency Goals and Action Plan

Goal 1: Professionalize, modernize, and improve key aspects of information technology (IT) resources.

Specific Action Items

1. Strengthen all aspects of SOAH's information resources environment.

Guided by recommendations based on professional assessments, SOAH has upgraded much of the agency's information resources environment. These improvements have focused on cybersecurity, improved performance and management, and preparation for future known modernization projects, such as the planned conversion of the telephone systems and the implementation of the integrated case management system.

The agency will continue to execute recommendations from these assessments, further strengthening all aspects of the information resources environment.

2. Upgrade of outdated software.

SOAH has transitioned to volume licensing for all of its Microsoft products and is currently upgrading its email system to Office365 (O365). This solution will provide more robust administrative management capabilities and improved data security features. The transition to O365 is anticipated to be complete no later than August 31, 2018. Once complete, SOAH will focus on upgrading all other Microsoft licenses (Windows, Windows Server, SQL Server, etc.) to the most recent version available and appropriate for the agency.

These upgrades will best position SOAH's information resources for successful implementation of other modernization projects such as the integrated case management system. Looking forward, SOAH will also focus on establishing a planned management strategy for maintaining currency in its Microsoft licensing and on transitioning to volume licensing for other software products where appropriate.

3. Transition to Voice over Internet Protocol (VoIP).

SOAH is partnering with the Department of Information Resources (DIR) to upgrade the telephone system in its Austin offices to Voice over Internet Protocol (VoIP) as part of the Capitol Complex VoIP conversion project led by DIR. SOAH has upgraded much of its

infrastructure in preparation for this transition and will meet the deadline for implementation of this project as determined by the DIR schedule.

As a separate, independent project from the Capitol Complex VoIP conversion, SOAH is implementing VoIP in each of its seven field offices. The VoIP upgrades for all SOAH offices are expected to be complete by August 31, 2023.

4. Upgrade of Internal and External Websites.

SOAH launched an upgraded external website in February 2018. The upgraded website meets all statutory posting and accessibility requirements, is designed to be more secure, and is more user-friendly to SOAH's customers and stakeholders. As part of its ongoing initiative to improve the accessibility of information regarding the agency, particularly for the benefit of self-represented litigants, SOAH continues to modify and add content.

Additionally, SOAH is presently engaged in the project of upgrading its internal website, which is expected to be implemented by August 31, 2023.

5. Upgrade of Audio Equipment.

The audio equipment in SOAH's Austin hearing rooms is outdated, which has caused operational issues. Upgrading this equipment will result in improved customer service to all hearing participants in terms of better clarity and communication. SOAH has purchased updated audio equipment and is in the process of procuring installation services for this project, which should be completed by August 31, 2019.

6. Integrated Case Management System.

The 84th Legislature originally appropriated funds to SOAH for an integrated case management system (CMS) intended to provide an automated solution for electronic case filing, management, and billing. SOAH engaged a professional IT Project Manager for the CMS project in May 2016. Under their guidance and partnering with DIR and outside IT experts, SOAH has fully assessed its IT infrastructure, systems, and processes to ensure that the agency is properly positioned for a successful implementation before initiating the procurement process.

The funds for the CMS project were transferred to SOAH's 2018-2019 appropriation, and SOAH is on track to execute the procurement within the current biennium. Implementation of the CMS project is expected to begin within 2019.

It is anticipated that the CMS project will significantly transform how SOAH does business. Through the implementation of this project, the agency will increase the use of electronic records and technology and eliminate much of the paper and manual processes currently generated and executed internally.

This shift will require retraining of staff and the redefinition and reshaping of roles and responsibilities within the organization, and the implementation of these changes will extend into 2020-23.

How Goal Supports Statewide Objectives

1. Accountable to tax and fee payers of Texas:

- Accountability for the development of the CMS project is ensured through the oversight of the Quality Assurance Team (and previously, the report provided to the Legislative Budget Board in advance of funding).
- Accountability for the security of information resources is ensured through adherence to the Texas Cybersecurity Framework, including the biennial Security Plan submitted to the Department of Information Resources.
- Accountability for the VoIP transition is ensured by the Department of Information Resources. SOAH will partner with the Department of Information Resources to ensure it meets any project milestones for which it is responsible.
- Accountability for the security and user accessibility of the internal and external websites is ensured through the Department of Information Resources security and accessibility scans.

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 CMS project will decommission unsupported legacy systems, eliminate non-integrated systems, and automate manual processes, thus increasing efficiencies.
- The VoIP upgrade will expand the agency's ability to rely on telephonic hearings without reducing the ability to meaningfully participate, thereby, avoiding delays in resolution and minimizing travel costs for SOAH as well as the parties to cases. It will also allow SOAH to manage its workflow more efficiently.
- Continued improvements to SOAH's external website will enable members of the public and parties to cases to access information more directly, saving staff time and reducing customer delays. It will also increase SOAH's accessibility to self-represented litigants.
- Upgrades to SOAH's internal website will enable greater IT integration, greater access, and expanded ability to perform work remotely, such as during travel for hearings.

- Updated software and stronger software control practices will minimize disruptions to function and allow for efficient management of licenses, which also facilitates more effective cost controls and avoids waste.

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

- The CMS project will consolidate and centralize the management of agency data and digitize non-electronic data. This will provide improved data output and report generation to meet legislative and other reporting requirements.
- Increased information security is a dynamic area targeted for continuous and evolving improvement.
- The increased quality of communication through upgraded audio equipment and transition to VoIP will further SOAH's efforts to improve this aspect of hearings, as recommended by the Sunset Commission.

4. Attentive to providing excellent customer service:

- The CMS project will provide litigants and the general public greater access to information regarding hearings and cases. This will result in greater responsiveness and higher customer service to all stakeholders.
- Continual improvement in the security of SOAH's information resources will provide better protection to all employees and all stakeholders, including parties to hearings.
- The VoIP upgrade will provide a meaningful benefit to participants in SOAH's hearings, some of which are attended by parties telephonically.
- Website upgrades will provide improved customer service to all stakeholders, as well as greater usability.

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

- The CMS 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.
- The CMS project will improve the integrity and public accessibility of SOAH's data.
- Website upgrades will improve transparency.

Other Relevant Considerations

- The initiation of the CMS 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. SOAH processes an average of 30,000 Administrative License Revocation cases every year.

- The CMS project will also further SOAH’s implementation of the recommendation (2.4) to improve and formalize certain management tools related to tracking information, analyzing performance, and monitoring deadlines.
- The transition to VoIP and upgrade of audio equipment will further SOAH’s implementation of the Sunset recommendation (4.2) to improve its telephonic hearings and take advantage of current technology for teleconferencing.
- The upgraded website, which will improve accessibility by the public, will be particularly beneficial to self-represented litigants, thereby furthering SOAH’s implementation of Sunset’s recommendations (Issue 6) to improve the level of information publicly available to such litigants.
- The six information resources initiatives in this goal align with all five strategic goals in the Department of Information Resources 2018 – 2022 State Strategic Plan for Information Resources Management:
 - Reliable and Secure Services
 - Mature State IT Resources Management
 - Cost Effective and Collaborative Solutions
 - Data Utility
 - Mobile and Digital Services

Goal 2: Standardization of Practices, Policies, and Procedures across the Agency

Specific Action Items:

1. Standardization of Procedures for Management and Return of Contested Case Records.

Under Chapter 2001 of the Texas Government Code, SOAH is responsible for maintaining and returning to the referring agencies the “contested case record,” which is comprised of the documents pertaining to the case, such as the pleadings filed by the parties and the orders and proposal for decision issued by the Administrative Law Judge (ALJ).

Presently, there is variation in the handling of these documents for various agencies. Excepting circumstances where differential treatment is required, such as by statute, SOAH will standardize this process to ensure that contested case records are returned in a uniform, consistent, and timely manner. SOAH will also pay special attention to the challenges raised by the frequent presence of confidential and sensitive information in such records and ensure that updated procedures protect proper handling of such information. SOAH recently created the position of Chief Clerk, in its Docketing Department, and this position will have key responsibilities with respect to records.

The full process of standardizing internal procedures for contested case record management will be achieved by August 31, 2020.

2. Centralization and Organization of Internal Policies and Procedures.

In order to provide consistent information and guidance in a manner that is most efficient and accessible, SOAH has begun to work toward the goal of centralization and standardization of all policies and procedures.

By centralizing, SOAH will reduce the number of sources through which this information is provided and ensure that the information provided is correct, current, and internally consistent. Historically, important guidance regarding policies and procedures has been created throughout the agency and communicated through different sources and methods, including but not limited to: the SOAH Employee Handbook of Policy & Procedure; various independent unincorporated policies; prior emails from managers and directors; and topical employee-created guideline documents.

SOAH will centralize such guidance by providing complete, substantively organized, and easily-accessible policies and procedures. This project is slated for completion by August 31, 2022.

3. Standardization of Training Strategy.

Following a period of evaluation and review, SOAH has begun to develop a standardized agency-wide training plan. 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.

SOAH expects to complete development of this project plan no later than August 31, 2021 and will implement on a rolling basis.

How Goal Supports Statewide Objectives:

1. Accountable to tax and fee payers of Texas:

- Consistent, timely handling of contested case records will ensure compliance with all governing law and the proper protection of all confidential documents and sensitive information.
- Centralization and standardization of internal SOAH policies and practices will support greater compliance and accountability, for the protection of Texas taxpayers.
- 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.

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

- Standardization of the management of contested case records will maximize the efficiency of the process, thus saving staff time and preventing delays. Standardization of this process will also eliminate unnecessary agency-specific variations, many of which are redundant and outdated.
- Centralization of policies promotes efficiency and will further eliminate redundancy between various sources of policy and guidance. The gains in efficiency will prevent the waste of staff time as well as promote compliance, including with aspects designed to ensure the preservation of taxpayer funds.

- 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.

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

- Management and handling of contested case records is an integral part of SOAH’s core function of performing administrative hearings and alternative dispute resolution, and the return of the record is dictated by statute. Improving this aspect of SOAH’s service to external customers by ensuring timeliness and consistency reflects SOAH’s commitment to continual improvement.
- Strengthening SOAH’s approach to policies and procedures will be a step forward in the continual improvement of the operation of the agency and will assist SOAH managers and employees in ensuring compliance. For the aspects of policy and procedure that affect, even indirectly, external customers and stakeholders, this will advance SOAH’s goal of performing its mission with excellence.

4. Attentive to providing excellent customer service:

- Timely, consistent handling of contested case records, including their prompt return to referring agencies and protection of confidential information, will provide a higher level of customer service to all stakeholders, including but not limited to the litigants in SOAH proceedings.
- Many aspects of SOAH’s policies and procedures affect external customers and stakeholders. Providing centralized, organized guidance to SOAH employees will ensure that SOAH is best positioned to provide excellent customer service to those affected, for example, by providing consistent, accurate information and treatment to external customers.
- 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:

- By eliminating needless complication in the management of contested case records, SOAH will simplify the process and provide a clearer expectation for service on the part of external customers.

- Consolidation and simplification of SOAH's policies and procedures will promote transparency.
- 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.

Redundancies and Impediments

STANDARDIZATION OF FUNDING MECHANISM ACROSS REFERRING AGENCIES	
SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)	Texas Government Code § 2003.048; Rider 3 Texas Commission on Environmental Quality (TCEQ)
DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS	<p>For the work it performs in conducting hearings and alternative dispute resolution for referring agencies, SOAH is appropriated either General Revenue (GR) or executes an interagency contract (IAC) with the referring agency. Government Code § 2003.024 sets out the method for the IAC process, under which SOAH and the referring agency collaborate on developing projections for the anticipated hourly usage for the coming biennium. These projections, which are informed by historical usage data, form the basis of the amount of the IAC for the coming biennium, and the hourly rate applied to these projections is approved by rider in SOAH’s bill pattern. This process, which applies to nearly all referring agencies, provides funding stability and predictability for both the referring agency and SOAH.</p> <p>The funding mechanism for TCEQ presents an outlier. Under § 2003.048 and Rider 3, TCEQ pays SOAH a fixed annual fee that is set by rider. In 2018-19, this fee was \$816,000 for each fiscal year. Both provisions date back to when there was a separate “Natural Resources Division” at SOAH, which the Legislature dismantled in 2015 following a recommendation from the Sunset Commission. Furthermore, Rider 3 provides for SOAH to refund to TCEQ any unused portion of the fee. If the fee amount is insufficient for SOAH’s costs, SOAH may renegotiate the IAC with TCEQ to obtain additional funds.</p> <p>First, the aberrant nature of these particular provisions, with their agency-specific requirement relating to TCEQ, constitute an inherent inefficiency. SOAH handles cases for more than 50 agencies and must execute the IAC process with approximately 20 of these agencies every biennium (in addition to any local government agencies that are permitted to refer cases to SOAH).</p> <p>Second, the provisions of this funding arrangement represent what is essentially an hourly billing arrangement, which creates funding instability for both SOAH and TCEQ. Section 2003.024, as noted by the Sunset Commission, was enacted for the express purpose of replacing hourly billing contracts with lump-sum contracts to bring about greater funding stability.</p> <p>Third, the requirement that SOAH hold the total TCEQ payment in escrow, monitor total hourly billings, and return the difference at the</p>

	end of each fiscal year imposes unnecessary administrative burden on SOAH's fiscal department.
PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION	Eliminate Government Code § 2003.048 and the TCEQ section of Rider 3, which create a specialized, inefficient funding mechanism unique to TCEQ. TCEQ would be subject to § 2003.024, like the overwhelming majority of referring agencies, which sets out the process for developing projections and executing an IAC between SOAH and the agency for the coming biennium.
DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE	The primary benefit to revising the requirements and procedures for the TCEQ contract amount would be eliminate SOAH's funding uncertainty. Moving to general revenue or a non-refundable lump sum contract would stabilize SOAH's funding and help avoid funding lapses. It would also reduce the time spent by SOAH's fiscal department in ongoing monitoring of TCEQ costs, escrowing a portion of SOAH's funding for a possible refund, and calculating and processing the refund. The precise cost is difficult to determine due to the uncertainty of the workload each year and the amount of time involved in negotiating, monitoring, and processing the contract.
STANDARDIZATION OF FUNDING MECHANISM ACROSS REFERRING AGENCIES	
SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)	Rider 3 Public Utility Commission (PUC)
DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS	Similar to the TCEQ arrangement, Rider 3 also provides a unique funding mechanism for on subset of cases referred by the PUC, under which SOAH is appropriated a set amount in IAC funding for conducting water and sewer utility cases for PUC. The rider also provides for SOAH to refund to PUC any unused portion of this contract amount. If the fee amount is insufficient for SOAH's costs, SOAH may renegotiate the IAC with PUC to obtain additional funds. (SOAH's work for the PUC is otherwise funded by GR, pursuant to Rider 8(c)(16). The Rider 3 provision applies only to water and sewer cases.)
PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION	Eliminate Rider 3 provision regarding PUC. For this subset of water and sewer cases, PUC could follow § 2003.024, like the overwhelming majority of referring agencies, which sets out the process for developing projections and executing an IAC between SOAH and the agency for the coming biennium.
DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE	Eliminating this outlier would improve the efficiency of SOAH's budget process and restore staff time presently spent on executing this limited-purpose IAC, tracking and monitoring the billings for this specific subset of cases, and calculating and processing any refund. It would also provide

	greater budget stability and predictability for both agencies.
STANDARDIZATION OF FUNDING MECHANISM ACROSS REFERRING AGENCIES	
SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)	Texas Government Code § 2003.105; Rider 8(b) Comptroller of Public Accounts (CPA), Tax
DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS	<p>Under Government Code § 2003.105, CPA pays SOAH a fixed annual fee for services rendered. (This statute was enacted in 2007, when tax hearings were transferred from the CPA to SOAH.) The amount of the fixed fee is negotiated by SOAH and the CPA biennially, to coincide with the CPA’s legislative appropriations request.</p> <p>Rider 8(b) states that amounts for the payment for the costs of CPA hearings will be established through an IAC and the contract provides for funding of hearings on tax hearings conducted by members of the SOAH Tax team who are Master Administrative Law Judge IIs.</p> <p>SOAH no longer has a “Tax Division,” which was dismantled by the Legislature along with the other divisions within SOAH in 2015, following Sunset review.</p> <p>These provisions constitute a departure from the statute that guides the IAC process for the overwhelming majority of referring agencies. Furthermore, the language in Rider 8 does not advance the separation and neutrality recommended by the Sunset Commission in terms of identifying and eliminating outdated provisions that were intended to facilitate a smooth transition to SOAH in 2007 but are no longer productive.</p>
PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION	<p>Eliminate Texas Government Code § 2003.105 and Rider 8(b), which create a specialized, inefficient funding mechanism unique to CPA.</p> <p>While the “fixed fee” does at least provide stability, it would bring added consistency to handle funding for the CPA in accordance with Government Code § 2003.024, which sets out the process for developing projections and executing an IAC between SOAH and the agency for the coming biennium.</p>
DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE	Eliminating this outlier mechanism would bring greater consistency to SOAH’s funding process and result in gains in efficiency by incorporating the CPA IAC into the process used for the other 20+ agencies with whom SOAH executes IAC biennially.

STANDARDIZATION OF FUNDING MECHANISM ACROSS REFERRING AGENCIES	
SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)	Texas Occupations Code § 1105.009 Texas Real Estate Commission (TREC)
DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS	<p>For the work it performs in conducting hearings and alternative dispute resolution for referring agencies, SOAH is appropriated either General Revenue (GR) or executes an interagency contract (IAC) with the referring agency. Government Code § 2003.024 sets out the method for the IAC process, under which SOAH and the referring agency collaborate on developing projections for the anticipated hourly usage for the coming biennium. These projections, which are informed by historical usage data, form the basis of the amount of the IAC for the coming biennium, and the hourly rate applied to these projections is approved by rider in SOAH’s bill pattern. This process, which applies to nearly all referring agencies, provides funding stability and predictability for both the referring agency and SOAH.</p> <p>The funding mechanism for TREC presents an outlier. Under Occupations Code § 1105.009, TREC must remit to SOAH a non-refundable retainer of \$75,000 each fiscal year. SOAH must then track all costs associated with TREC hearings and apply such costs to this retainer. In costs in excess of the retainer are incurred, SOAH may assess and collect such excess costs from TREC.</p> <p>As with the provisions noted above, this constitutes an outlier from the IAC process in Government Code § 2003.024, which generates inefficiency in SOAH’s administration of its fiscal processes. In practice, it also constitutes an hourly billing contract, which the enactment and application of § 2003.024 was intended to transition SOAH away from. Thus, it also creates funding instability and uncertainty for both TREC and SOAH, and it imposes administrative burdens associated with the tracking of such costs, invoicing, monitoring billings against the cap of the retainer, and additional assessments if necessary.</p>
PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION	<p>Eliminate Occupations Code § 1105.009.</p> <p>TREC would be subject to Government Code § 2003.024, like the overwhelming majority of referring agencies, which sets out the process for developing projections and executing an IAC between SOAH and the agency for the coming biennium. This would provide additional funding stability for both TREC and SOAH.</p>
DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE	<p>The \$75,000 annual retainer under the current statute is static and is not based on current data or projections. By replacing this approach with the § 2003.024 process, in which TREC and SOAH would jointly develop projections and then execute an IAC for this amount, the amounts paid to SOAH by TREC would more accurately reflect the projected workload – which may result in a sum higher or lower than \$75,000 depending on</p>

	year. Additionally, there would be a gain in efficiency to SOAH by eliminating this outlier provision as well as the administrative burden associated with tracking specific costs, monitoring the retainer cap, and assessing for additional costs if necessary.
OUTDATED AND REDUNDANT PROVISIONS REGARDING SOAH OPERATIONS	
SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)	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>SOAH has an Information Technology Department that is headed by an Information Resources Manager. The Department also contains several staff members with extensive education, training, and experience, including an Information Security Officer, a Project Manager, and a Web Developer. The IT Department also actively engages with the Department of Information Resources. Input from employees about technological issues is regularly gathered through employee surveys, engagement groups, and in the course of project development. 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.
OUTDATED AND REDUNDANT PROVISIONS REGARDING SOAH OPERATIONS	
SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)	Texas Government Code § 2003.046
DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS	<p>Government Code § 2003.046 (enacted in 1993) refers to a “central hearings panel” and authorizes the Chief Administrative Law Judge of SOAH (CALJ) to create teams or divisions, according to subject matter.</p> <p>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. 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.</p>

<p>PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION</p>	<p>Eliminate Government Code § 2003.046.</p>
<p>DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE</p>	<p>No direct fiscal cost savings identified; modernizes and updates SOAH's enabling statute.</p>
<p>OUTDATED AND REDUNDANT PROVISIONS REGARDING SOAH OPERATIONS</p>	
<p>SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)</p>	<p>Texas Insurance Code § 40.004 Texas Department of Insurance (TDI)</p>
<p>DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS</p>	<p>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.</p> <p>This provision is redundant and unnecessary since SOAH has procedural rules in place that apply to all cases, including cases referred by TDI.</p>
<p>PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION</p>	<p>Eliminate Texas Insurance Code § 40.004.</p>
<p>DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE</p>	<p>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.</p>
<p>OUTDATED AND REDUNDANT PROVISIONS REGARDING SOAH OPERATIONS</p>	
<p>SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)</p>	<p>Texas Labor Code § 402.073(a) Texas Department of Insurance, Division of Workers' Compensation (DWC)</p>
<p>DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS</p>	<p>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 in medical fee dispute cases under Labor Code § 412.0312.</p> <p>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.</p>

<p>PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION</p>	<p>Eliminate Texas Labor Code § 402.073(a).</p>
<p>DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE</p>	<p>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.</p>
<p align="center">OUTDATED AND REDUNDANT PROVISIONS REGARDING SOAH OPERATIONS</p>	
<p>SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)</p>	<p>Texas Government Code § 2003.103 Comptroller of Public Accounts (CPA), Tax</p>
<p>DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS</p>	<p>Government Code § 2003.103 (enacted in 2007, when tax hearings were originally transferred to SOAH), provides for SOAH to conduct all tax hearings in a timely manner and use every reasonable means to expedite a tax case when the CPA requests.</p> <p>This statute is redundant because SOAH already has procedural rules in place and SOAH’s enabling statute charges SOAH with performing all of its work efficiently.</p>
<p>PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION</p>	<p>Eliminate Government Code § 2003.103.</p>
<p>DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE</p>	<p>Modernizes and updates statutory scheme governing SOAH’s operation. Standardizes practices among referring agencies.</p>
<p align="center">OUTDATED AND REDUNDANT PROVISIONS REGARDING SOAH OPERATIONS</p>	
<p>SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)</p>	<p>Texas Government Code § 2003.108 Comptroller of Public Accounts (CPA), Tax</p>
<p>DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS</p>	<p>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.</p> <p>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.</p>
<p>PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION</p>	<p>Eliminate Government Code § 2003.108.</p>

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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.
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SCHEDULE A: BUDGET STRUCTURE

Goal

Short Name: Administrative Hearings

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

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

Objective

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) through 2021.

Outcome Measures

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

Strategy

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 ALJ 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-Close of Record to PFD 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

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

- Percent of Participants Surveyed Satisfied with Overall ADR Process

Strategy

Short Name: Conduct Alternative Dispute Resolution

Full Name: Conduct Alternative Dispute Resolution Proceedings

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

Output Measure

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

Efficiency Measures

- Median Number of Days to Dispose Alternative Dispute Resolution Cases

Explanatory Measure

- Number of Alternative Dispute Resolution Cases Requested or Referred

- Number of Balance Billing Cases Referred for Assignment of Mediator

Goal

Short Name: Indirect Administration

Full Name: Indirect Administration

Description: Indirect Administration

Objective

Short Name: Indirect Administration

Full Name: Indirect Administration

Description: Indirect Administration

Strategy

Short Name: Indirect Administration

Full Name: Indirect Administration

Description: Indirect Administration

SCHEDULE B: PERFORMANCE MEASURES AND DEFINITIONS – FISCAL YEARS 2018/2019

Goal A: Provide for a Fair and Efficient Administrative Hearing Process

Objective A.1: Ensure that all hearings are conducted in a fair and impartial manner

Outcome:

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.

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.

Data Source: Survey

Methodology: Eligible parties are identified from General Docket and ALR databases. Emails directing parties to the online survey or hard copy 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.

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

Calculation Type: Non-cumulative

New Measure: No

Target Attainment: Higher than target

Percent of Proposed Tax Decisions Issued within Sixty 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.

Data Limitations: Not Applicable

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).

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

Calculation Type: Non-cumulative

New Measure: No

Target Attainment: Higher than target

A.1.1 strategy: conduct hearings

Efficiency:

Average Number of Days from Close of Record to PFD Issuance

Definition: The date the record closes in a case where a hearing is held and the date the PFD or final order is issued are both recorded in the database. The number of days between these two dates is calculated.

Data Limitations: Not Applicable

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.

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

Calculation Type: Non-cumulative

New Measure: Yes

Target Attainment: Lower than target

Median Number of Days to Dispose of a Case

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

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.

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.

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

Calculation Type: 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.

Data Limitations: No Applicable

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.

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

Calculation Type: Non-Cumulative

New Measure: No

Target Attainment: Lower than Target

Explanatory:

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.

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

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.

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

Calculation Type: Non-Cumulative

New Measure: Yes

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.

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

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.

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

Calculation Type: Non-Cumulative

New Measure: Yes

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.

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

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.

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

Calculation Type: 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.

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).

Data Source: Referring agencies and outside parties.

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

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

Calculation Type: 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.

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

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.

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.

Calculation Type: Non-Cumulative

New Measure: No

Target Attainment: Lower than Target

Output:

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.

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

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.

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

Calculation Type: 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.

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.

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.

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

Calculation Type: 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.

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

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.

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

Calculation Type: Cumulative

New Measure: Yes

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).

Data Limitations: Not Applicable

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.

Purpose: To provide information on the utilization of ALJ time.

Calculation Type: Non-Cumulative

New Measure: Yes

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.

Data Limitations: Not Applicable

Data Source: General Docket and ALR databases.

Methodology: General Docket time divided by all case time.

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

Calculation Type: 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.

Data Limitations: Not Applicable

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.

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

Calculation Type: Cumulative

New Measure: No

Target Attainment: Higher than Target

Objective A.2: Conduct Alternative Dispute Resolution Proceedings

Outcome:

Percentage of Participants Surveyed Satisfied with Overall ADR Process

Definition: "Overall process" includes all actions by SOAH related to the ADR process exclusive of Balance Billing mediations.

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.

Data Source: Survey

Methodology: Eligible parties are identified from General Docket and ALR databases. Emails directing parties to the online survey or hard copy 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.

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

Calculation Type: Non-cumulative

New Measure: Yes

Target Attainment: Higher than target

Efficiency:

Median Number of Days to Dispose Alternative Dispute Resolution Cases

Definition: The number of days between the date an Alternative Dispute Resolution (ADR) case is received by SOAH and the day the case is finally disposed. This measure excludes Balance Billing (BAL) cases.

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

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. BAL cases are not included in the data set.

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

Calculation Type: Non-cumulative

New Measure: Yes

Target Attainment: Lower than target

Explanatory:

Number of Alternative Dispute Resolution Cases Requested for Referral

Definition: All mediation or arbitration cases referred, excluding Balance Billings (BAL) cases.

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.

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).

Purposed: 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.

Calculation Type: Non-cumulative

New Measure: Yes

Target Attainment: Higher than target

Number of Balance Billing Cases Referred to Assignment of Mediator

Definition: The number of Balance Billing (BAL) cases referred to SOAH by the Texas Department of Insurance (TDI) to receive an assignment of a third-party mediator.

Data Limitations: This measure is dependent on the number of BAL mediations referred to SOAH by TDI.

Data Source: SOAH's Case Management System (CMS).

Methodology: A report is generated from the database (CMS) totaling the number of BAL cases referred.

Purpose: This measure provides an indicator of the SOAH's workload with respect to the balance billing mediation program.

Calculation Type: Non-cumulative

New Measure: Yes

Target Attainment: Higher than target

Output:

Number of Hours Billed to Alternative Dispute Resolution Cases

Definition: The total number of hours billed on mediation and arbitration proceedings

Data Limitations: this measure is dependent on the number of mediation and arbitration cases referred as well as the varying complexity.

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.

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

Calculation Type: 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.

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

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.

Purpose: This indicates the success of the ADR program.

Calculation Type: Cumulative

New Measure: No

Target Attainment: Higher than target

SCHEDULE C: Historically Underutilized Business Planning Elements

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. SOAH will encourage 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 TPASS HUB Rules

Using the State of Texas Disparity Study as a basis, the Comptroller of Public Accounts (CPA) Texas Procurement and Support Services 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:

- SOAH purchasing procedures – SOAH will use the CPA bidder’s list and send notifications of bid opportunities to certified HUBs. SOAH will continue to require a minimum of two HUB bids for every procurement requiring a bidding process. SOAH will also refer to the CPA’s website to identify certified HUBs for those purchases not requiring a bidding process.
- SOAH HUB subcontracting plan – SOAH will require 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. SOAH will review information submitted by vendors concerning their subcontracting plans. Subcontracting information will be submitted in a standard format established and provided by SOAH. 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 – SOAH will attend HUB forums in order to identify opportunities for HUBs to do business with SOAH. It will work with other agencies to sponsor forums for HUBs that present information about specific procurement opportunities at SOAH.
- Mentor-Protégé Program – In accordance with the CPA’s rules, SOAH will work to implement a mentor-protégé program as appropriate to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under an agency contract.

SCHEDULE D: STATEWIDE CAPITAL PLAN

[PLAN SUBMITTED SEPARATELY TO THE BOND REVIEW BOARD IN ACCORDANCE WITH INSTRUCTIONS.]

SCHEDULE F: Fiscal Years 2019-2023 Workforce Plan

Agency Overview

The mission of the State Office of Administrative Hearings, also called 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's core purpose is to separate the adjudicative function from the other functions within the executive branch of state government.

SOAH's hearings and alternative dispute resolution matters are handled by Administrative Law Judges (ALJs) employed by SOAH. Every year, SOAH handles more than 30,000 cases, for more than 50 state agencies and other governmental bodies. This work is divided into teams by subject matter, including: Administrative License Revocation and Field Enforcement; Economic; Health Professions Licensing; Individuals with Disability Education Act; Natural Resources; Occupational Licensing; Tax; and Utilities. In addition to its headquarters in Austin, SOAH also has seven field offices throughout the state.

Strategic Goals and Objectives

SOAH's key goal is to provide for a fair and efficient administrative hearings process, which entails conducting hearings and preparing proposals for decision and final orders, as well as conducting alternative dispute resolution proceedings.

There are no anticipated changes to the mission, strategies, and goals of the agency over the next five years.

Current Workforce Profile

SOAH is authorized for 123 FTEs in the General Appropriations Act. SOAH's Chief Administrative Law Judge is appointed by the Governor and also acts as its Executive Director.

In 2016, SOAH began a reorganization of the agency's executive division. A Deputy Chief for Hearings position was established to head the Hearings Division and to separate the managerial role of this position from the duties of the General Counsel. The Hearings Division includes the hearings teams, field operations, and docketing services. The General Counsel also serves as the Public Information Officer and has oversight of records retention. A Chief Operating Officer role was established in Fiscal Year 2018 to oversee the Contracting, Finance, Human Resources, and Information Technology functions.

The majority of SOAH's employees have education beyond high school, with over 50 percent having advanced degrees. With the largest percentage of job classification requiring a J.D. degree, it is critical to the mission of the agency to recruit, hire, train and retain an educated workforce.

Current Demographics

The statistical information provided in this section is based on data as of August 31, 2017. SOAH's current workforce is comprised of approximately 114.5 employees, 31 percent male and 69 percent female. Out of the same population, 84 percent of the agency's employees are over the age of forty. SOAH has an experienced workforce, with 60 percent of its employees holding greater than five years' service, and 44 percent have worked for SOAH over ten years. 35 percent of SOAH's workforce is comprised of ethnic minorities.

Workforce Eligible to Retire

SOAH currently has approximately 48 employees (42 percent of SOAH's current workforce) who will meet retirement eligibility requirements within the next five years. Of these employees, 25 are ALJs. While all areas of the agency are likely to be impacted by retiring staff, the greatest impact will most likely be among the ALJs.

Veteran Workforce

SOAH's veteran workforce is 9 percent, which falls short of the statewide 20 percent target. The agency began participating in veterans' job fairs in 2016 in an effort to reach out to the veteran population and increase awareness of the agency. Job postings are shared with the Texas Veteran's Commission, and the agency provides military cross-walk information on 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 the veteran population and will seek opportunities to be more innovative in the recruitment of veterans for SOAH positions.

Agency Turnover

SOAH's turnover rate is consistently lower than the statewide average. In fiscal year 2017, SOAH's turnover decreased to 12 percent while the statewide average rose to 32 percent. SOAH expects its turnover rate to increase over the next few years due to a likely increase in employee retirements.

Ten of the thirteen employees who left SOAH employment in 2017 left due to retirement from the state. Six of these retiring employees were ALJs. Both the Docketing Manager (Manager III) and the agency's Purchaser (Purchaser V) retired during FY 2017, and two Deputy Clerks III retired from SOAH's Docketing Division. An Administrative Assistant II, Deputy Clerk II, and HR Specialist III left for reasons other than retirement. SOAH anticipates that the greatest future turnover will be in the ALJ classification due to the number of employees in this classification who are eligible for retirement. Ten female employees left SOAH in 2017 and three male employees; two employees were ethnic minorities.

Projected Agency Turnover over Five Years

Historically, SOAH has experienced a low turnover of less than 10 percent. Because SOAH has a large population eligible to retire, SOAH anticipates a higher turnover rate over the next five years, perhaps as high as 20 percent.

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 business functions. Based on the agency's mission, the dominant skill sets needed are listed below:

- Presiding experience
- Research, writing, and review skills
- Effective communication
- Understanding of laws, rules, and policies
- Management skills
- Individuals with Disabilities Education Act (IDEA) training
- J.D. Degree
- Emerging and advanced technology skills
- Data analysis and management
- Legislative process
- Change management

Workforce Allocation

SOAH is divided into three main areas, Hearings, Operations, and General Counsel. In addition to the Deputy Director of Hearings, the Hearings Division had 60 ALJs, 22 Administrative Assistants, 3 Legal Assistants, and 9 Deputy Clerks in FY 2017. Operations consisted of 1 in Contracting, 5 in Finance, 2 in Human Resources, and 6 in IT, in addition to the COO. General Counsel has one direct report. The Chief ALJ has an executive assistant.

Future Workforce Profile

Expected Workforce Changes

SOAH expects to continue to improve its technology. This may require additional job classifications to manage the change or training to enhance existing skillsets in all areas of the agency. In addition, change management skills will be needed to advance the agency. Any other change in workloads and the number of employees will depend on changes to the number of cases referred. Current growth in workload has been in the areas of IDEA and tax hearings. Every position is required to perform the mission of the agency. Critical positions include a team of competent ALJs and a strong management team.

Gap Analysis

There is a need to improve the diversity of SOAH's workforce. 35 percent of SOAH's workforce is ethnic minorities; however, only 15 percent of the ALJs are ethnic minorities. 21 percent of active in-state attorneys registered with the Texas Bar are minorities (*Attorney Statistical Profile for 2017-2018* compiled by the State Bar of Texas Department of Research and Analysis).

20 percent of the agency's workforce should be veterans. SOAH has fallen short in achieving Senate Bill 805, as passed by the 84th Legislature. SOAH will continue outreach efforts.

Similar to other medium sized agencies, recruitment and retention of staff in indirect administration can be challenging. Legal Secretaries, 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. With technology advancements comes the need for specialized skills in change management, which may present a challenge for recruitment.

Staff training will become imperative for future efficiencies. A training schedule and plan for ALJs will be finalized to ensure they are current in their areas of expertise. Management training is critical to enhance the skills at SOAH as outlined by the Sunset Commission.

Strategic Development

Strategy 1: Succession Plan

SOAH continues to develop its plan to ensure continuity of leadership and knowledge in all areas. The agency has recognized the need for the transference of knowledge in mission-critical areas and has incorporated a system for ensuring that this knowledge is not lost. Factors that SOAH's management and human resources have considered during this development process include the need for replacement of key management and staff personnel who may be lost due to retirement or other turnover.

To facilitate the transference of knowledge and provide for well-developed, qualified, ongoing leadership, the agency has been implementing mentoring and cross-training practices, back-ups for core functions, and the documentation of procedures.

Strategy 2: Organizational Training

SOAH has begun to develop a standardized agency-wide training plan. 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.

SCHEDULE G: Report on Customer Service

Introduction

As required by Texas Government Code Chapter 2114, SOAH gathers information from external customers annually regarding quality of service. Additionally, SOAH's Performance Measure 1.1.1.OC.1 measures the percentage of participants who are satisfied with the overall process for administrative hearings.

In 2016, SOAH completely revamped its approach to the customer service survey. First, SOAH began executing two separate 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.

Second, SOAH successfully broadened the scope of external customers who receive the survey, to ensure that the survey is reaching as many participants as possible.

Third, SOAH shifted its primary method of outreach to an online survey distributed via email, rather than a mailed postcard. These measures were effective in improving the results of SOAH's survey process. In 2015, only eighteen participants responded. In both 2016 and 2017, more than 250 participants responded.

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, SOAH's 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). The Administrative Law Judges (ALJs) who handle these cases are assigned to teams for different subject areas.

External Customers – ADR: Strategy A.1.1.2 is to conduct ADR proceedings.

Most ADR proceedings are mediations; this includes cases that were referred specifically for the purpose of conducting a mediation as well as cases that were originally referred to SOAH 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 2017 survey was September 1, 2016 through August 31, 2017. 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. The preferred point of contact was an email address, but SOAH also collected mailing addresses for cases where an email address for the attorney or self-represented litigant was not available.

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 Gathering Information

SOAH disseminated its customer service surveys to external customers in September 2017 (shortly after the conclusion of the applicable time period).

For all external customers, Hearings and ADR, where SOAH identified an email address, SOAH provided the survey via email, with a link to the survey in the email. SOAH also sent email reminders to the recipients one week before the deadline, one day before the deadline, and the day of the deadline.

For those external customers where no email address was available, SOAH mailed the applicable pamphlet (Hearings or ADR) with the survey questions to the customer. The survey pamphlets included the website address for the survey so that the customer could complete the survey online if they preferred to do so. Additionally, SOAH provided a self-addressed stamp envelope with the survey pamphlet, for ease of return.

Levels of Service Quality

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

The survey reached external customers of not just the Austin office, but also SOAH’s seven field offices throughout the state. SOAH’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, 72.25 percent of the respondents were providing feedback on contact with the Austin office; on the ADR survey, the Austin office accounted for 93.94 percent of the responses.

For the Hearings survey, SOAH sent the survey to 1239 external customers, and 237 responded, for a total response rate of 19.1 percent. For the ADR Survey, SOAH sent the survey to 107 external customers, and 33 responded, for a total response rate of 30.8 percent.

Survey Responses – Hearings

Question	Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree	Not Applicable
Administrative/docketing staff were courteous and professional	119	70	9	5	7	12
Administrative/docketing staff were helpful and responsive to my inquiry, request for assistance	109	65	11	9	5	23
Administrative/docketing staff were knowledgeable about the hearings process at SOAH	96	70	18	10	4	23
ALJ was knowledgeable about the law and procedures in my case	94	61	23	17	17	6
ALJ was courteous and professional	111	67	14	9	8	8
ALJ conducted my hearing fairly and efficiently	95	64	19	12	17	8
Decision in my case was clear and well-written	80	67	15	15	18	17
Hearing room was clean and well-kept	70	98	13	4	4	23
Office location was accessible	64	95	15	12	7	19
Self-represented litigant guides provided by SOAH are clear and understandable	21	24	31	4	13	117
SOAH's website is user – friendly, easy to use and navigate	34	82	41	19	11	22
Overall, I was satisfied with the hearings process at SOAH	59	91	14	17	20	8

Survey Responses - ADR

Question	Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree	Not Applicable
Administrative/docketing staff were courteous and professional	25	4	2	0	0	2
Administrative/docketing staff were helpful and responsive to my inquiry, request for assistance	23	5	1	0	1	3
Administrative/docketing staff were knowledgeable about the mediation process at SOAH	19	7	2	0	0	5
Mediator was courteous and professional	27	5	0	0	0	1
Mediator was fair and impartial	22	7	3	0	0	1
Mediator understood the issues and relevant law	22	7	2	0	0	1
Mediator controlled the process and kept it moving efficiently, allowing parties adequate time to evaluate options without rushing	24	3	2	1	1	1
Did your case settle as a result of mediation?	25 (Yes)	7 (No)	N/A	N/A	N/A	N/A
Mediation room was clean and well-kept	17	10	2	0	0	3
Office location was accessible	14	9	5	1	0	3
Self-represented litigant guides provided by SOAH are clear and understandable	4	2	3	0	1	21
Mediation brochure provided by SOAH is clear and understandable	7	8	3	0	1	12
SOAH's website is user – friendly, easy to use and navigate	10	12	3	2	1	2
Overall, I was satisfied with the mediation process at SOAH	22	6	0	1	0	1

Analysis of Findings

Overall Analysis of 2017 Results

On the whole, the 2017 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 88.49 percent. On the ADR survey, the overall satisfaction rate was 97.21 percent, even higher.

It is also important to note that the Hearings function is inherently adversarial in process, where 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

SOAH completely overhauled its survey process in 2016, as described above, and these improvements have exponentially increased the response rate to SOAH's survey. The nature of the questions and the differentiation between Hearings and ADR has also provided more nuanced context for the responses.

Towards the goal of increasing the response rate, SOAH recently added a dedicated page about the customer service survey to its public website: <http://www.soah.state.tx.us/Agency/customerServiceSurvey.html>.

This webpage explains the survey and when it is sent out and also allows a person who would like to participate in the survey to provide their email address and the relevant information for their case so that we can evaluate it during the data-gathering process for the next survey.

One additional improvement that SOAH plans to make to its survey going forward is to elicit additional information about the respondent. The pool of SOAH's external customers includes self-represented litigants, agency counsel, private practice counsel, and intervenors.

Being able to gather this information will assist SOAH in more effectively analyzing results and targeting its future improvement efforts.

Improvements Based on Survey Feedback

A number of initiatives are planned or already underway to address several of the matters that are the subject of survey questions.

The responses indicate that there is a desire for more extensive information regarding SOAH's processes for self-represented litigants. This has been a priority for SOAH for a number of years and SOAH has taken many steps to improve its accessibility to self-represented litigants. With the recent roll-out of SOAH's new external website, SOAH is continuing to evaluate its service to self-represented litigants and is in the process of creating additional content for SOAH's website to assist litigants in locating useful information, in a manner accessible to non-lawyers, regarding the hearings and ADR processes at SOAH. This is also a priority for other central hearing panels throughout the country (SOAH's counterparts) and every level of the Texas judiciary, so SOAH is also evaluating what approaches have been successful for other agencies in effectively reaching this demographic.

In addition, SOAH has an internal working group that is presently focused on improving communication, which encompasses external communication with customers and the accessibility and effectiveness of the content of the public website. Improvements to public communication produced through this working group will be incorporated into SOAH's website and process throughout the coming year.

The experience gained over the past year as a result of the significant disruption to the Houston field office from Hurricane Harvey has also informed SOAH's efforts to improve communication with all affected stakeholders in such situations.

The survey responses, including some of the additional comments provided, also indicate that SOAH's external customers believe that improvements to SOAH's physical facilities would be positively received. SOAH's San Antonio office, which was previously located in a building with certain challenges, was relocated earlier this year, and this development should address the issues raised at the previous location (such as elevator malfunctions and other maintenance issues).

At the Austin office, which accounts for most of the responses, an initiative to make improvements to the hearing rooms is already underway. These improvements include the installation of updated audio equipment, replacement of defective equipment and furniture, painting, and carpet replacement. These measures will address many of the issues raised regarding the physical state of SOAH's facilities.

Performance Measure Information

Customer Service Standard Measures	FY 2017 Hearings	FY2017 ADR
Percentage of Surveyed Customer Respondents Expressing Overall Satisfaction with Service Received	88.49%	97.21%
Percentage of Surveyed Customer Respondents Identifying Ways to Improve Service Quality	25.4%	18.2%
Number of Customers Surveyed	1,239	107
Number of Customers Served	55	15
Cost per Customer Surveyed	\$0.37	\$0.30
Number of Customers Identified	1,239	107
Number of Customer Groups Inventoried	1	1
Customer Service Agency Measures	FY 2017 Hearings	FY2017 ADR
Total Percent of Participants Satisfied	88.49%	NA

SOAH anticipates similar results for FY2018.