



# Strategic Plan

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**Fiscal Years 2023 - 2027**

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 6, 2022 11:32 CDT)

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Austin, Texas

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## **Agency Mission**

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. 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 Court 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.

Once the system is fully implemented and the system is integrated with eFile, only a handful of agencies, most notably the Public Utilities Commission, will retain rules that require non-standardized filing methods. SOAH hopes eventually to extend a uniform filing system to every docket.

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. Develop and Optimize Use of Hybrid Hearings Technology**

During the pandemic response, SOAH pivoted from live hearings to holding hearings through video conference within a month. Although this change met some initial resistance, two-and-half years of experience and SOAH's most recent customer-service survey results show that the introduction of remote hearings has improved efficiency and lowered the cost of administrative hearings. Most significantly, conducting remote hearings has led to a greater percentage of Texans taking part in hearings, because they no longer have to take a full day off of work or undertake the expense of traveling to a SOAH office.

While the cost-savings and efficiency gains of remote hearings are well established by the data, a small percentage of cases before SOAH directly benefit from some degree of in-person hearing. SOAH intends to create hybrid hearing rooms that would allow some witnesses to appear by videoconference, in the course of a live hearing. Eventually, SOAH will set up these systems at its field offices, which will allow witnesses to appear within the SOAH system, but at a location that is more convenient than central Austin.

In addition to expanding the technological hardware to implement hybrid hearings, SOAH will continue to refine the remote hearings process to fully realize its promise as a cost-efficient and fair way to hold administrative hearings.

Expected Completion: June 2027

#### **2. Conform Pay Grades to Statutory Requirements in Order to Ensure Retention and Recruitment**

SOAH currently has two statute-based pay groups that are not actually reflected in its pay-grade structure. These are "Senior Administrative Law Judge," and "Master Administrative Law Judge II," created by Section 2003.41 of the Government Code. Currently, SOAH's salary structure does not provide any differentiation for either of these roles.

Due to a number of age-related retirements over the past two bienniums, SOAH is now primarily staffed by younger employees, who are currently at a more-junior level. As those attorneys advance in their careers towards the other statutorily-mandated salary level, Master Administrative Law Judge,

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these employees will experience approximately a five- to seven-year gap in which no salary advancement is available. The Master ALJ II designation is meant to differentiate experienced judges who have particular outside expertise, particularly the judges who handle tax claims for the Comptroller. The pool of attorneys eligible under the statutory criteria for tax specialization is extremely limited.

By adjusting the ALJ compensation schedule to reflect statutory language by creating a Senior ALJ level, SOAH will be able to increase retention of qualified mid-career employees. This Senior Level ALJ designation will also assist in attracting and retaining ALJs in the field offices, where SOAH has recently been able to attract a number of former municipal judges who are well-suited to SOAH's field caseload.

By implementing Master ALJ II level of compensation through extending the new, specialist pay level to a small group of highly qualified ALJs, SOAH will be better able to retain ALJs with specialized and unique skillsets that are necessary to providing first-class service.

Expected Completion: June 2027

### **3. Consolidate Field Office ALJs into the Austin Office Salary Schedule**

When the SOAH field offices were created, they heard only driver's license revocation proceedings for the Department of Public Safety. This was a high-volume, lower skilled task, and the ALJs were recruited at the lowest salary level. ALJs from the Austin office would routinely travel to hear cases in the field-office facilities.

Over the past five years, SOAH has begun setting many of these cases to be heard by ALJs in the field offices. Field office ALJs also sit on complex cases, as they can fit them into their driver's license hearing schedule. Accordingly, SOAH has begun to hire field ALJs at the second salary tier. This has allowed SOAH to attract more experienced new hires, including a number of formal municipal-court judges.

Under the new case-management system, SOAH will take over the docketing of driver's license cases and will be able to eliminate inefficiencies caused by the old system. SOAH will use the additional field-office availability to set additional cases in the field offices. As a result of the change in technology, field office ALJs will be doing work at a level similar to a level three ALJ in the Austin office.

SOAH will align the field salaries with the Austin salary levels for similar work and increase the pay scale for field ALJs with management responsibilities to recognize their role in managing higher level employees.

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#### **4. Standardization of Training Strategy**

SOAH will develop a new training plan targeted at acquisition of skills, 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 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 and Senior 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 and Senior 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.

In addition, SOAH will completely revise its internal informational systems for sharing new developments and trending issues. Creating a continually updated database of case information will encourage efficiency by creating a



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uniform process for refreshing ALJs' recollection of particularized issues and procedures before holding a hearing on a particular subject matter.

Expected completion: June 2025

## **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 complete an ongoing review of all the agency's procedural rules, revise some rules, and adopt new ones that support electronic filing and the efficient use of its new case-management system. This task cannot be fully completed until after the new case-management system has been in place long enough to develop some real-world experience in how best to handle filing and processing of documents.

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, during the pandemic, SOAH had adopted a process of requiring parties to eFile all exhibits prior to hearing. This is at odds with general legal practice and with SOAH's pre-existing rules, which require only documents be made available to the opposing party, in an appropriate format. SOAH will, consistent with its existing rules, change the process for sharing exhibits prior to hearing to cut out the labor-intensive step of filing each document. 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: December 2022

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## How Goal Supports Statewide Objectives

### **1. Accountable to tax and fee payers of Texas:**

- 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.
- Updating the ALJ salary schedule will bring SOAH's employment and recruitment in line with statutory text and ensure long-term professional development and retention of SOAH's relatively young workforce.
- Incorporating the field offices into Austin's salary-level system will allow SOAH to attract and retain qualified employees who can live in areas with a lower cost of living than Austin itself, leading to salary savings for work performed.

### **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 will lower travel expenses incurred in sending SOAH personnel to remote locations, as well as lowering the costs incurred by other state agencies in traveling to hearings.

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- 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. This 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.
  - Raising the level of field-office ALJs will allow SOAH to keep whole categories of case nearer to where people live; this is particularly important in Texas Commission on Law Enforcement cases arising in small rural communities, where an employment dispute between the two employees of the police department might leave a municipality without police coverage for multiple days.
  - Updating internal communications regarding developing issues and recent decisions will promote consistency and quick turnaround time on cases.

**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.
- 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.
- Conforming SOAH's ALJ pay structure to the relevant statutory language will allow SOAH to attract and retain superior employees.

**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.

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- The new system for ensuring up-to-date information for ALJs will improve ALJ preparedness for all types of hearing, including those that occur only every two or three years.

**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 only self-represented litigants, but also members of the public, a greater ability to understand administrative proceedings.
- The salary structure should comport with statutory language creating specific positions, with specific, statutorily mandated minimum qualifications.

## Redundancies and Impediments

<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Information Technology Modernization</b>	
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 provides for SOAH employees to research and propose technological solutions to improve the office’s ability to perform its functions.</p> <p>This antiquated provision requiring employees to research how information technology can be used at SOAH dates back to 2003, and is out of step with modern state agency IT practices. Today in 2022, SOAH now has a professional Information Technology Department headed by an Information Resources Manager that works to ensure that SOAH has up to date technology that meets the expectations for modern legal practice, including access to cloud-based IT services, statewide videoconferencing capabilities, and an all-electronic filing and case management system. SOAH’s IT Department works directly with the Chief ALJ and executive staff to develop a unified approach to technology acquisition and implementation in accordance with the Department of Information Resources (DIR) technology delivery framework. Other general statutes and DIR rules governing the oversight of state agency purchases and use of information technology have superseded the need for a redundant SOAH statute encouraging employee use of technology.</p>
Provide agency recommendation for	Eliminate Government Code § 2003.055

modification or elimination.	
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.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Remove Requirements for Divided Case Management Structure</b>	
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.	This antiquated provision, enacted in 1993, authorizes the Chief ALJ to create teams or divisions of administrative law judges according to subject matter or types of hearings. It was enacted at a time when SOAH was first created by consolidating hearings divisions from other agencies in order to retain a siloed case assignment process tailored to each referring agency’s needs and preferences. 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. Today, SOAH conducts hearings for over 60 different agencies, and ALJs assigned to SOAH’s central panel are expected to be capable of presiding over almost any type of case. Government Code § 2003.022(d) already provides that the Chief Administrative Law Judge shall “supervise” the agency, which includes the authority to make decisions about its organizational structure and case assignment processes.
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 by allowing greater organizational flexibility.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Improve Supervision of Administrative Law Judges</b>	
Services, Statute, Rule, or Regulation	Texas Government Code § 2003.045
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	<p>Government Code § 2003.045, 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 dismantled that system in 1999. When it did so, it added the term “Master ALJ” to section 2003.045 and required senior and master ALJs to assume agency management responsibilities based on tenure.</p> <p>For several years, administration of SOAH and oversight of employees has been managed by an executive team under direction of the Chief Administrative Law Judge. Direct oversight of ALJs is entrusted to one or more Deputy Chief Administrative Law Judges, employed by the Chief Administrative Law Judge to perform director-level executive oversight. This structure is similar to that of other agencies that employ executive-level staff, deputy commissioners, or first assistants to oversee their agency operations. SOAH statutes should be updated to recognize the management responsibilities of Deputy Chief ALJs. The qualifications for Deputy Chief ALJ positions 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 structure at SOAH, and would allow the Chief ALJ to choose supervisors for</p>

	managerial skill and qualifications, rather than based on statutory tenure.
Provide agency recommendation for modification or elimination.	Amend section 2003.045 to allow the Chief ALJ to delegate managerial authority to one or more Deputy Chief Administrative Law Judges. The requirements for Deputy Chief ALJ should be the same as those set out for the Chief ALJ in section 2003.022(b)(2) of the Government Code.
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.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Redundant MOU Requirement - TDI</b>	
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 requires that TDI and SOAH execute a Memorandum of Understanding (MOU) regarding procedural rules for the handling of cases referred to SOAH by TDI. The MOU, codified by TDI rules in the Texas Administrative Code since 1996, imposes outdated procedural requirements on SOAH that create inefficiencies in the handling of TDI cases and conflict with current statutory requirements to separate TDI's investigative, prosecutorial, and policymaking functions from SOAH's adjudicative function. For example, the MOU allows TDI to unilaterally issue a default order against a party without an opportunity for a hearing while their case is pending at SOAH, and also allows TDI to overturn SOAH rulings that it disagrees with during the pendency of a case, creating inefficiencies and an inherent lack of independence and fairness in the processing of TDI cases.



	The requirement for an MOU is redundant and unnecessary because SOAH has authority under Texas Government Code, section 2003.050 for its own procedural rules that are intended to apply to all SOAH 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.	Eliminating the MOU requirement will improve the fairness and efficiency of TDI hearings at SOAH by replacing outdated TDI procedures with current SOAH rules that apply consistently to all parties and all cases. Efficiency gains will result from more consistent treatment of TDI cases, and less time spent managing, updating, and negotiating a new MOU.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Redundant MOU Requirement–TDI Div. of Workers’ Comp</b>	
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 Operations.	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 reimbursement of costs by non-prevailing parties in medical fee dispute cases under Labor Code § 413.0312. 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 for the MOU to address the reimbursement of costs by non-prevailing parties in medical fee dispute cases is redundant and unnecessary because Labor Code § 413.0312 already

	includes detailed cost reimbursement procedures for those cases; the MOU merely tracks the statutory language.
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.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Redundant MOU Requirement - HHSC</b>	
Services, Statute, Rule, or Regulation	Human Resources Code, § 22.018 Texas Health and Human Services Commission
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	Enacted in 2015, Human Resources Code, § 22.018 requires that the Health and Human Services Commission (HHSC) and SOAH adopt a Memorandum of Understanding (MOU) regarding the handling of cases referred to SOAH by HHSC, including provisions for reimbursement by HHSC of SOAH's costs. The MOU requirement is redundant and unnecessary since SOAH has procedural rules in place that apply to all cases, including cases referred by HHSC. The MOU is also not necessary to reimburse SOAH for costs because it is duplicative of Texas Government Code, § 2003.024; SOAH's enabling statute already requires agencies to reimburse SOAH's costs based on statutory formula based on an hourly-rate set by the General Appropriations Act.
Provide agency recommendation for modification or	Eliminate Human Resources Code, § 22.018

elimination.	
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	Efficiency gains due to less staff time spent managing, updating, and negotiating this requirement. Modernizes and updates statutory scheme governing SOAH’s operation. Standardizes practices among referring agencies.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Redundant MOU Requirement – Dept. of Agriculture</b>	
Services, Statute, Rule, or Regulation	Agriculture Code, § 12.032 Texas Department of Agriculture
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	Enacted in 1995, Agriculture Code, § 12.032 requires that the Department of Agriculture (TDA) and SOAH adopt a Memorandum of Understanding (MOU) regarding procedures for the handling of cases referred to SOAH by TDA, including provisions for reimbursement by TDA of SOAH’s costs. The MOU requirement is redundant and unnecessary since SOAH has procedural rules in place that apply to all cases, including cases referred by TDA. The MOU is also not necessary to reimburse SOAH for costs because it is duplicative of Texas Government Code, § 2003.024; SOAH’s enabling statute already requires agencies to reimburse SOAH’s costs based on statutory formula based on an hourly-rate set by the General Appropriations Act.
Provide agency recommendation for modification or elimination.	Eliminate Agriculture Code, § 12.032
Describe why the Service, Statute, Rule, or Regulation is resulting	Efficiency gains due to less staff time spent managing, updating, and negotiating this requirement. Modernizes and updates statutory

in inefficient or ineffective Agency Operations.	scheme governing SOAH’s operation. Standardizes practices among referring agencies.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Redundant Reporting Requirement – CPA</b>	
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 was enacted in 2007 when tax hearings were originally transferred to SOAH. It 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 because it is unnecessary. Information regarding the status of any given case is already available to the CPA, since the CPA is a party to all tax cases at SOAH, and can access all its current case information online through re:SearchTX, the state’s official court records depository. The requirement to provide a quarterly report on services provided to the CPA also serves no budgetary purpose: The costs of hearings conducted by SOAH are calculated in accordance with the statutory formula set forth in Texas Government Code, § 2003.024, and thus there is no current need for the CPA to monitor hearing costs on a case-by-case basis.
Provide agency recommendation for modification or elimination.	Eliminate Government Code § 2003.108
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency	Efficiency gains due to less staff time and resources expended in connection with these reports. Modernizes and updates statutory scheme governing SOAH’s operation. Standardizes practices among referring agencies.

Operations.	
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Modernize Service of Process for Administrative Cases</b>	
Services, Statute, Rule, or Regulation	Texas Government Code, § 2001.142 Texas Administrative Procedures Act
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	<p>Texas Government Code, § 2001.142(a) narrowly pertains to final decisions and orders under the Administrative Procedures Act (APA), and provides that parties to contested cases can be notified of decisions and orders by email or fax, and only if they agree to be notified in this manner. Other traditional methods of service (personal service, first class mail, etc.) are also recognized. However, there is no general provision of the APA that expressly authorizes the use of electronic filing service providers for service of process in administrative cases.</p> <p>Texas courts have mandated the use of electronic filing and service for all civil cases since 2012, and eFile Texas is operated by the state as the official e-filing system for the State of Texas. Electronic filing and service is recognized as the current legal standard for service of process, and most litigants enjoy the associated benefits of enhanced document security, ease of access, and instant, verifiable, delivery of filed documents. eFile Texas is also available to case participants and state agencies for use at no cost.</p> <p>SOAH adopted the use of eFile Texas in March of 2020, and it has proven to be the most efficient and effective way of managing the flow of contested case records, particularly as the general public has come to widely accept the use of remote access</p>

	technologies as a result of the COVID-19 pandemic.
Provide agency recommendation for modification or elimination.	Amend the APA and/or Texas Government Code, § 2001.142(a) by adding language to authorize and require the use of electronic filing and service as the preferred method for service of process for orders, decisions, and proposals for decision in administrative cases. Other methods of service (mail, fax, hand-delivery) should be used only as a means of alternative service if the party does not have a valid email address on file.
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	Modernizes and updates statutory scheme governing SOAH’s operation and administrative law practice in Texas. Standardizes practices among the legal profession, referring agencies, and other parties to contested cases under the APA.
<b>Redundancies and Impediments Regarding State Office of Administrative Hearings Video and Teleconferencing for ALR Hearings</b>	
Services, Statute, Rule, or Regulation	Texas Transportation Code, § 524.034 Texas Dept. of Public Safety (DPS)
Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or ineffective Agency Operations.	SOAH conducts over 20,000 hearings per year relating to the administrative suspension or revocation of driver’s licenses. These “ALR” cases relate to the administrative suspension of a driver’s license by the DPS following a person’s arrest for driving while intoxicated (DWI). Enacted in 1995, Tex. Trans. Code § 524.034 requires that venue for ALR hearings is limited to either an in-person hearing in the county of arrest or within 75 miles of the county seat where the arrest occurred, or by telephone only if both parties consent. Although SOAH conducts hearings for over 60 state agencies, DPS-ALR hearings are the only case type at SOAH for

	<p>which the parties’ consent is required for a video or teleconference hearing. SOAH’s 2015 Sunset Report recommended that SOAH should modernize and expand its use of remote technologies for ALR hearings.</p> <p>SOAH’s recent experience conducting thousands of remote hearings by videoconference during the COVID-19 pandemic has demonstrated that ALR cases are especially conducive to resolution by videoconference. The hearings are short in duration (20 minutes or less) and involve relatively little evidence or testimony. Drivers are almost always represented by an attorney and the persons arrested for DUI rarely attend the hearing. Because the hearings are merely administrative and civil in nature, due process does not require these hearings to be conducted in-person in the same manner as a criminal proceeding.</p> <p>This overly-specific and outdated venue requirements in Section 524.034 limits SOAH’s ability to efficiently use videoconference hearings to resolve ALR cases. A post-pandemic return to conducting ALR hearings in-person on a statewide basis would be inefficient and wasteful of state resources, leading only to a delay in the resolution of cases. The public interest would be better served by allowing SOAH to expeditiously resolve ALR cases by videoconference or teleconference without requiring consent of the parties.</p>
<p>Provide agency recommendation for modification or elimination.</p>	<p>Amend Trans. Code, § 524.034(a)(2) to make videoconferencing the preferred method for resolution of ALR cases, and delete the requirement for consent of the parties.</p>
<p>Describe why the Service, Statute, Rule, or Regulation is resulting in inefficient or</p>	<p>Modernizes and updates statutory scheme governing SOAH’s operation and administrative law practice in Texas. Standardizes DPS-ALR cases to make them more similar to other types of contested cases under</p>

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ineffective Agency Operations.	the APA. Cost savings associated with reduced travel, reduced need to maintain multiple hearing venues, greater efficiencies.
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## **Budget Structure Supplemental Schedule A**

### **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

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### **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

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## **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

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## **Measure Definitions Supplemental Schedule B**

### **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**

This measure identifies the percentage of participants surveyed who express satisfaction with the administrative hearings process. The overall process includes all actions by SOAH, beginning with setting of hearing, continuing through the hearing and through issuance of final orders or Proposal for Decisions (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 the Case Management System (CMS). Emails directing parties to the online survey are sent. Confidential cases are eliminated from the survey, 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

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**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 Proposal for Decisions issued within 60 calendar days of the date the record closed.

**Purpose**

This measure is an indication of the timeliness of the Proposal for Decisions (PFDs) issued by the Tax Administrative Law Judges (ALJs) for the Tax cases.

**Data Source**

Case Management System (CMS)

**Methodology**

A report is generated from the Case Management System (CMS) that lists all Tax cases where Proposal for Decisions (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.

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**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 timekeeping system.

**Purpose**

This measure tracks the amount of billed work performed by SOAH Administrative Law Judges (ALJs).

**Data Source**

SOAH's timekeeping system.

**Methodology**

A report is generated from the timekeeping system 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.

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## Number of Administrative License Revocation Cases Disposed

### Definition

The number of Administrative License Revocation (ALR) cases disposed during the reporting period. All ALR cases disposed are entered into the Case Management System (CMS) and counted.

### Purpose

This measure serves as a means to determine the number of Administrative License Revocation (ALR) cases disposed during the reporting period.

### Data Source

Final Orders recorded in the Case Management System (CMS).

### Methodology

A report is generated from the Case Management System (CMS) with a count of cases decided (i.e., disposed) during the reporting period.

### Data Limitations

This measure is dependent upon the number of Driving while Intoxicated (DWI) arrests resulting in a request for hearing at SOAH.

### 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.

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**Data Source**

Case Management System (CMS)

**Methodology**

A report is generated from the Case Management System (CMS) 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 Administrative Law Judge (ALJ) time.

**Data Source**

Timekeeping system

**Methodology**

Identify the number of hours paid in the period utilizing the timekeeping system. Subtract all holiday and leave hours taken by each Administrative Law Judge (ALJ) to establish available time to work. Identify the number of hours charged to casework for each ALJ. Casework includes time working on Alternative Dispute Resolution (ADR)



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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 amount of case time worked by Administrative Law Judges (ALJs) on General Docket cases as a percentage of total case time worked. Total case time includes case time worked on General Docket and Administrative License Revocation (ALR) cases.

**Purpose**

This measure indicates how much of the Administrative Law Judge (ALJ) workload is spent on General Docket cases.

**Data Source**

Timekeeping system

**Methodology**

The amount of General Docket case time worked by Administrative Law Judges (ALJs) divided by total case time worked by ALJs during the reporting period.

**Data Limitations**

General Docket and ALR databases.

**Calculation Method**

Non-cumulative

**New Measure**

No

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**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 tax Proposal for Decisions (PFDs) issued during the reporting period by Administrative Law Judges (ALJs).

**Purpose**

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

**Data Source**

Case Management System (CMS)

**Methodology**

A report is generated from the Case Management System (CMS) that lists and totals the number of Tax Proposal for Decisions (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**

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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 Administrative Law Judge (ALJ) decision once the record has closed.

**Data Source**

Case Management System (CMS)

**Methodology**

A report is generated from the Case Management System (CMS) that calculates the total number of calendar days from close of record to issuance of the Proposal for Decisions (PFDs) 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**

Case Management System (CMS)

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## **Methodology**

A report is generated from the database Case Management System (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 Administrative Law Judges (ALJs) took to issue tax Proposal for Decisions (PFDs).

### **Purpose**

This measure captures the efficiency of the Tax Administrative Law Judges (ALJs) in issuing tax Proposal for Decisions (PFDs).

### **Data Source**

Case Management System (CMS)

### **Methodology**

A report is generated from the Case Management System (CMS) that lists all Tax cases where Proposal for Decisions (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

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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 cases to calculate the average number of calendar days between the record closed date and the PFD issuance date for all Tax 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**

Case Management System (CMS)

**Methodology**

A report is generated from Case Management System (CMS) 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

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**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**

Case Management System (CMS)

**Methodology**

A report is generated from the Case Management System (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 Case Management System (CMS) records all cases transferred to SOAH's jurisdiction and is used to count the number of agencies for which SOAH has docketed

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new cases; re-set previously docketed cases; held prehearings/post-hearings and/or hearings; and/or issued Proposal for Decisions (PFDs).

**Purpose**

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

**Data Source**

Case Management System (CMS)

**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**

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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 Proposal for Decisions (PFDs) issued. A record is also maintained of all signed final Orders returned to SOAH by referring agencies.

**Purpose**

This measure counts the number (stated as percent) of decisions, not including Administrative License Revocation (ALR) decisions, issued by an Administrative Law Judge (ALJ) that are not upheld by a referring agency's governing board.

**Data Source**

Case Management System (CMS)

**Methodology**

A report is generated of agency final Orders returned to SOAH that reflect substantive changes to proposed findings or conclusions, or reflect that the Proposal for Decisions (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.



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## **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**

This measure identifies the percentage of participants surveyed who express satisfaction with the Alternative Dispute Resolution (ADR) process. The 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 the Case Management System (CMS). Emails directing parties to the online survey are sent. Confidential cases are eliminated from the survey, 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 Alternate Dispute Resolution (ADR) process.

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**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.

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### **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.

##### **Purpose**

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

##### **Data Source**

Timekeeping system

##### **Methodology**

A report is generated from the timekeeping system 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

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Orders issued in arbitrations, as well as the number of any other matters resolved by the use of other Alternate Dispute Resolutions (ADR) processes.

**Purpose**

This indicates the success of the Alternate Dispute Resolution (ADR) program.

**Data Source**

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 Alternate Dispute Resolution (ADR) processes for the reporting period.

**Data Limitations**

Number of cases referred to Alternate Dispute Resolution (ADR) by Administrative Law Judges (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**

Case Management System (CMS)

**Methodology**

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A report is generated from the Case Management System (CMS) that counts, for each case, the number of calendar days between the date that the Alternate Dispute Resolution (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 requested by parties or referred by Administrative Law Judges (ALJs).

**Purpose**

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

**Data Source**

Case Management System (CMS)

**Methodology**

A report is generated from the Case Management System (CMS) totaling the number of Alternate Dispute Resolution (ADR) requests received (*e.g.*, requested or referred).

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**Data Limitations**

This measure is dependent on the number of mediations requested by parties or referred by Administrative Law Judges (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.

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## **Historically Underutilized Business Plan Supplemental Schedule C**

### **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 and tools 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.

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## 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:

<b>Procurement Category</b>	<b>Goal</b>	<b>Disparity Areas</b>
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.



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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 will continue training with CPA on the mentor protégé program to foster long term relationships with vendors.

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## **Capital Planning Supplemental Schedule D**

The agency does not anticipate any capital items greater than \$1 million in Fiscal Years 2023-2027. The agency has submitted its capital plan separately to the Bond Review Board in accordance with the instructions.

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## **Agency Workforce Plan Supplement Schedule F**

### **Agency Overview**

The State Office of Administrative Hearings (SOAH) serves 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 specific objectives of the State Office of Administrative Hearings are to:

- Conduct fair and objective administrative hearings.
- Provide fair, timely, and efficient decisions and Proposals for Decisions.
- Offer the opportunity for parties to resolve their disputes through mediation (or alternative dispute resolution).

### **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**

SOAH was authorized 123 Full Time Equivalents (FTEs) in the General Appropriations Act in FY 2021. In FY 2022, the FTEs were reduced to 119 FTEs as the maximum FTEs allowed. SOAH's Chief Administrative Law Judge (Chief ALJ) is appointed by the Governor and serves as the agency's Executive Director.

As employees retire, SOAH continues to evolve and reorganize in order to streamline workflow and increase efficiencies. In FY 2021, both the Deputy Chief ALJ and the Chief Operating Officer (COO) became vacant opening the opportunity to analyze the structural alignment of the agency. After analysis, the decision was made to modernize the reporting structure of the agency. This organizational change resulted in a number of benefits, including better communication channels for employees and more transparency of agency functions.

- *Records & Risk Management* - The Records & Risk Management Section was created in FY 2022 to better streamline the agency's management of records and risk management activities for SOAH. The section currently has one team leader and two administrative assistants. The streamlining of this newly created section

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has resulted in better training materials regarding the handling of agency records and risk management. This realignment also allowed for a closer partnership with Human Resources (HR) for our new employees.

- *General Counsel* - The General Counsel Division is led by the General Counsel who oversees public information requests, SOAH policies, and general counsel duties. The Assistant General Counsel position supports the General Counsel by reviewing public information requests and spearheading the review and update of SOAH policies and forms.
- *Hearings* - The vacant Deputy Chief ALJ position was analyzed and found that one Deputy Chief ALJ was not able to effectively oversee Austin and Field Office. This resulted in the creation of two Deputy Chief ALJ positions.
  - Deputy Chief ALJ for Hearings for Austin  
Austin ALJs are organized within functional teams lead by ALJ Team Leads. The teams include the following: Alternative Dispute Resolution, Central Panel, Individuals with Disabilities (IDEA), Master Panel, Tax, Utilities and Quality Control & Training.
  - Deputy Chief ALJ for Hearings for Field Offices  
The Deputy Chief ALJ for Field Offices oversees geographically located offices in Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Lubbock, and San Antonio.
- *Chief Clerk's Office* - The Chief Clerk's Office now directly reports to the Chief ALJ. This realignment provides better communication and coordination as SOAH implements a new Case Management System. The Chief Clerk's Office was expanded to include managing SOAH's Legal Assistants and the Legal Secretaries located in Austin. Legal Secretaries located in Austin provide support to the Austin ALJ Teams and are led by a Team Lead. This streamlined approach ensures consistency of the work produced between teams. In FY 2022, SOAH created a new position and hired one Legal Secretary to work as "Floater" and support Austin Teams and Field Offices, as needed. This matrix position serves as a pilot for resource allocation for the new modern workforce. The Docketing Clerks report to the Chief Clerk. A Work Lead delegates, monitors, and trains the Docketing Clerks now called "Clerks".
- *Information Technology* - The Information Technology Division is led by the Chief Information Officer (CIO). The CIO oversees Systems Development, Systems Administration and the agency Help Desk. By elevating the position from IT Director to CIO and making the position a direct report to the Chief ALJ, the change has resulted in a streamlined implementation of new software to the Agency. This also provides the flexibility to quickly adapt to changing technology.

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- *Operations* - The Operations Division is led by the Chief Financial Officer (CFO) who oversees Accounting, Budget, Purchasing/HUB, Human Resources, and Staff Services. The CFO is a direct report to the Chief Judge. This reorganization has decreased the time needed to make finance and HR decisions, as well as, to implement new procedures across functional areas.

## **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, 2021.

Fiscal Year 2021, SOAH's workforce is comprised of 109.75 FTEs:

- 31% Male
- 69% Female

The percentage of women working at the agency is higher than the State of Texas average of 57%.

Of the agency employees:

- 79% are over the age of 40, compared to the statewide population of 61%.
- Median age is 49.5 years of age
- 41% are of minority ethnicity; this is an increase from 38% in FY 2019.
- 18% have 5 years or less agency service
- 30% have 5 – 10 years of agency service
- 52% have more than 10 years of agency
- The average length of employee service time at SOAH is 7.5 years.

Agency's employees have a wealth of experience with more than 52% of the agency having more than 10 years of SOAH experience.

## **Workforce Eligible to Retire**

Based on ERS projections, approximately 35% of current employees will be eligible to retire by the end of fiscal year 2027, just over five years away.

Currently 17% of SOAH employees are eligible to retire by the end of Fiscal Year 2022.

Projected retirements impacting the agency requires the agency to be strategic in several critical areas:

- Develop a plan for the Field Offices staffed by one ALJ who is eligible to retire.
- Document all current procedures to assist in knowledge transfer.
- Hire new employees who are proficient in the use of current standard software and adept at learning new software.

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Retirements impact SOAH's workforce; therefore, the divisions need to evaluate each vacancy:

- Projecting future business needs in that area.
- Reviewing staffing FTEs and job titles needed to meet future challenges.

### **Veteran Workforce**

The agency's veteran workforce continues to comprise 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 crosswalk for all external job postings. The agency adheres to the statutory requirement to interview qualified veterans for all job openings.

SOAH Human Resources (HR) has developed a business practice of carefully reviewing all applications by veterans who apply to our postings. HR routinely reaches out to veterans and provides guidance as to how the veteran may improve their application and prepare for interviews.

HR ensures all veterans' applications are closely examined by the hiring manager and assists the manager in understanding the veterans' applications. Although SOAH's veteran population appears to be static, SOAH has had success with hiring well-qualified veterans. However, other veterans transitioning out of SOAH result in little change to the percentages.

### **Agency Turnover**

The agency's turnover rate is 16%, which includes retirements but excludes interagency transfers.

However, SOAH's turnover rate is below the statewide average of 22%. The job titles with the highest turnover rates are mostly due to retirements include:

- Administrative Law Judges – 44%
- Legal Secretary and Clerks – 28%

SOAH is considered a medium sized agency and career opportunities in some job titles are limited based on business need and financial constraints. Employees seek employment in the private sector or other state agencies to advance in their career.

For Fiscal Year 2021, the top reasons reported for voluntary separations from the agency based on the State Auditor's Office exit survey were:

- Retirement

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- Better pay/benefits
  - Employment growth

### **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 reflects 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 FY 2021, 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:

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

As SOAH continues to evolve with modernizing computer programs, processes and procedures, all SOAH employees need to be competent using a computer and modern computer programs such as Adobe Professional and Microsoft 365 tools like Word and Teams.

HR reviews positions on a regular basis and identifies the basic and advanced technical knowledge, skills, and abilities associated with each job classification. When a position becomes vacant, each job requisition posted is evaluated and modernized in order to hire a workforce possessing the skills needed to move the agency into the future.

### **Workforce Allocation**

A current staffing snapshot for FY 2022 includes:

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- Chief Administrative Law Judge
    - One Legal Assistant; direct report to Chief ALJ
  - Records & Risk Management
    - One Program Specialist who is the Team Lead for the Section
    - Two Administrative Assistants
  - General Counsel Division,
    - One General Counsel
    - One Assistant General Counsel
  - Hearings Division  
The Hearings Division led by two deputies:
    - Deputy Chief ALJ for Hearings for Austin
      - 32 Austin Team ALJs; of which two are currently vacant.
    - Deputy Chief ALJ for Hearings for Field Offices
      - 34 Field office members; of which 20 are Administrative Law Judges including two vacancies.
  - Chief Clerk's Office led by Chief Clerk
    - Chief Clerk
    - Three Legal Assistants
    - One Legal Secretary Team Lead
    - Eight Legal Secretaries; of which one is the floater position
    - One Clerk Work Lead
    - Seven Clerks
  - Information Technology led by CIO
    - One CIO
    - One Help Desk Team Lead
    - Three System Administrators
    - One working in Systems Development
    - One Contractor
  - Operations led by CFO
    - One CFO
    - One Finance Team Lead overseeing Budget/Accounting and Purchasing including two Accountants and one purchaser.
    - Three Human Resources employees including HR Manager and HR Specialist and one Staff Services Officer. The Staff Services Officer's position also supports Finance in a limited role.

**Fiscal Year 2021 SOAH's EEO Classifications:**

- Professionals – 57%
- Administrative Support – 31%



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- Officials & Administrators – 9%
  - Technicians – 3%

## **Expected Workforce Changes**

The COVID pandemic changed the workplace, work processes, and methods of communication. COVID forced state agencies to use alternate tools of communication with employees and the general public. Tools such as Zoom and Teams quickly became a necessity. Hearings at SOAH transferred from an in-person platform to an electronic platform, and although the transition had its initial hurdles, SOAH has seen results of increased access to the public for hearings.

The most notable change due to COVID is the evolution of a hybrid work environment for SOAH staff. As we continue to adjust living with COVID, the hybrid work environment at SOAH is here to stay. There are several challenges when managing a hybrid work environment:

- Requires flexibility for the employee and supervisor
- Requires strong communication skills for all
- Requires the use of modern technology
- Requires supervisors to engage their employees on a frequent and regular basis
- Requires clearly defining expectations and business needs for what the hybrid work schedule looks like (how many days in office/at home).

When hiring new employees, the agency must define expectations from the start of the job posting so potential employees will clearly understand what will be required.

To make the hybrid work model successful, clear communication is a necessity. Clear communication starts from day one with the New Employee Orientation. The next step is to have an effective training plan in place for that new employee. Finally, the employee needs to understand how to communicate to their supervisor, team and the general public.

Finally, the hybrid work model requires all employees to become computer literate and embrace the emerging modern technologies. The agency continues to focus on increasing efficiencies in workflow and quality work products such as using electronic forms and esignature.

## **Compensation**

The Survey of Employee Engagement conducted in Spring FY 2022 confirmed that salary remains the number one gap related to job satisfaction. Beyond retirements, exit surveys indicate turnover is due partially to salary. SOAH's leadership has been proactive in managing compensation issues in FY 2022 by taking the following steps:

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- Increased the base salary for employees in the lowest job titles.
    - The new base for any SOAH employee is \$40K annually.
  - Increased the entry level ALJ position in all Field Offices from ALJ I to ALJ II.
    - SOAH no longer hires any ALJ I's.
  - Increased the entry level ALJ position in Austin Office to ALJ III's.
    - SOAH no longer hires ALJ II's in Austin.
  - Increased the Legal Secretary II in Field Offices to Legal Secretary III's.
    - SOAH no longer hires any Legal Secretary at the I or II level.
  - Provided salary equities to all Docketing clerks, some of whom were in the lowest salary pay grades at SOAH.

SOAH has also been actively reviewing employees' job descriptions and job duties. By providing training and expanding the breadth and depth of employees' job responsibilities, SOAH has been able to internally promote employees to a higher job classification.

Examples of recent promotions include:

- Purchaser II to Purchaser III
- Account I to Accountant III

The agency continues to review each position 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 reviews Administrative Law Judges' salaries to ensure they are comparable to peer agencies with similar job functions or titles.

Compensation has become important to the continued success of SOAH and is addressed in an agency strategic goal addressed below.

### **Increase Diversity**

SOAH continues to improve the diversity of the workforce. By having improved job descriptions and providing job postings that accurately reflect each position, SOAH has made strides in improving the agency's diversity. SOAH's hybrid work environment and flexible work schedule have helped in hiring a more diverse workforce as well. This information is gained from an improved New Employee Orientation where new employees meet other employees outside their immediate work group.

- 41% of SOAH's workforce is comprised of ethnic minorities.
- 14% of SOAH's workforce is black. This percentage is below the statewide average and does not reflect State of Texas demography.
- 22% of SOAH's workforce is Hispanic, which is an increase of 2% from FY 2019.

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## **Recruiting**

Recruiting diverse applicants and applicants with advanced skill sets will continue to be a priority focus for SOAH. Innovative, targeted recruiting will need to be enhanced to meet future challenges. In the SAO's exit surveys taken by employees who voluntarily separate from state employment, exiting employees cite pay and benefits as the primary reason for leaving state employment. The State's pay is also the lowest scored construct identified on the most recent Employee Survey.

SOAH may need to explore the option to invest money in a third-party recruiting platform, such as Indeed, in order to have a wider audience for the job postings.

The state goal for each agency's veteran population should be 20% of the agency's workforce. SOAH continues to fall 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 is a challenge. IT professionals, purchasers, and finance professionals are difficult to replace. Competition from the private sector and larger agencies continues to increase.

Recruitment focused on technology driven professionals will help close the gap in computer skill sets.

## **Hybrid Work Environment and Flexible Work Programs**

SOAH transitioned to a hybrid work environment due to the COVID Pandemic emergency orders in FY 2020. Each division, team and office define their specific business needs and outlines the requirements needed in order to complete the work tasks. Examples of duties requiring in-office presence are processing mail, receipt and deposit of physical checks, and other responsibilities such as closing agency records.

Each area ensures appropriate staffing coverage to meet the needs of the Agency.

Many divisions such as Operations requests employees to physically come into the office one or two days a week; the rest of the time the employee is working remotely. The goal of the hybrid work environment is to provide flexibility, increase efficiencies, and ensure all tasks are completed timely. One of the agency's primary communication tools used is Teams, which supports voice, video, and chat features.

Besides a hybrid work environment, SOAH previously initiated a flexible alternative work schedule in order to retain a work-life balance. An alternate hour schedule may have an employee working from 7 am to 4 pm instead of a standard 8 am to 5 pm workday. This flexibility has favorably assisted in recruiting younger employees who expect more flexibility provided by employers.

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## Technology

In April 2022, SOAH's IT Division launched the SharePoint and OneDrive computer programs in order to improve the management of electronic files.

There are many advantages to using both SharePoint and One Drive. SharePoint provides for easier access to the files and better security for the information stored. One Drive removes the need for individual personal drives maintained on a local physical hard drive. Both programs store files in the Cloud. Storing files in the Cloud has several advantages:

- The information is more easily accessible from different platforms.
- The information is more secure.
- The information accessed does not require a VPN connection.
- The information is saved and backed up regularly as it is created, this provides better security for the information.

By launching SharePoint and One Drive, SOAH realizes a cost savings and immediate efficiencies to business processes.

The agency has historically been a paper-based agency with documents and forms that were printed, manually signed, and returned in hard copy format. Efficiencies and cost savings were realized immediately by using programs such as Adobe for the creation, signature and routing of various documents, all electronically.

The implementation of the new case management system requires information technology training sessions for all employees working with hearings. These can include:

- Computer based training,
- Tutorials, and
- Desk aids or Guides.

## Policies, Procedures and Forms

The agency progresses in the continued modernization of all SOAH's forms, policies and procedures.

The agency implemented a review process administered by the Assistant General Counsel. This review process ensured policy compliance with state laws, rules, and regulations. After the templates were standardized, each division met with the Assistant General Counsel and developed a consistent, logical numbering schematic.

Once the numbering schematic was approved, the divisions were able to update forms and create new forms using Adobe. By utilization the electronic signature routing feature built into Adobe, SOAH has moved away from a paper-based routing procedure.

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This improved electronic routing process results in cost savings by using less paper, less copier usage and less time required to manually route and file the paper documents.

Agency procedures are currently under review and are updated throughout the agency to assist in the knowledge transfer should an employee retire or leave the agency. The procedures are available to employees in that division and are an effective way to transfer knowledge of a process or procedure required by SOAH. Employees not familiar with a specific process such as Finance's Payroll Procedure are able to review the procedure and complete the required tasks. The updated procedure serves as a training guide and is supplemented by hands-on training with the current employee who serves as a subject matter expert.

## **Communication**

In the Employee Engagement Survey completed in March 2022, of the 10 rated constructs, internal communication was second lowest ranked construct evaluated.

In a continued effort to improve internal communication agency-wide, SOAH launched a redesigned intranet in October 2021. The intranet known as Court Central is easy to use, pleasant to view, and retains information needed for all employees. Court Central is an important way to communicate critical information to staff and a one-stop-shop for training.

The newly designed Court Central provides a designated section for pictures with captions. For example, SOAH will introduce each Field Office using pictures of employees, events and the actual Field Office facilities. This information is a fun, easy way for employees to get to know other staff members. It also boosts morale since it makes the highlighted employees feel connected to the agency.

## **Change Management**

The need for specialized skills in change management is critical in this pandemic environment. All SOAH job postings and the interview/hiring process is designed to identify the knowledge, skills and abilities needed for effective change management. Essential skills required are flexibility, adaptability, and an attitude that is receptive to the evolving work environment in which we live. This change management philosophy is here to stay and will be a core hiring factor for years to come.

## **Self-Service**

Self-service platforms such as Employee Retirement System (ERS) and the Centralized Accounting and Payroll/Personnel System (CAPPS) require employees to be proactive in managing their own personal and business affairs. HR has developed a variety of desk aids to assist employees in completing these transactions.

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Upon seeing the need to provide additional information to our new employees, HR now provides tutorials for all new hires on CAPPs and ERS. HR is always available and meets regularly in a Teams meeting where HR can share the screen and review the information together. Training using Teams has become an effective communication tool for our new employees and should increase retention.

### **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.

### **Forward Looking**

As outlined in our Chief Administrative Law Judge's Goals and Action Plan, there are several areas that impact the workforce plan going forward. The following objectives set a blue print for the future of the agency:

- Conform Pay Grades to Statutory Requirements in Order to Ensure Retention and Recruitment.
- Consolidate Field Office ALJs into the Austin Office Salary Schedule.
- Standardization of Training.

Expected completion: June 2025

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## **Report on Customer Service Supplemental Schedule H**

### **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 2021, the agency had 279 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 2021 survey was September 1, 2020 through August 31, 2021. For Hearings, SOAH identified all cases that were concluded within this time period through an issuance of the decision. 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.)

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## **Method of Collection**

The surveys are conducted annually. The agency disseminated its 2021 customer service surveys to external customers in September 2021.

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, 78.04% of the respondents were providing feedback on contact with the Austin office. On the ADR survey, the Austin office accounted for 98.46% of the responses.

For the Hearings survey, SOAH sent the survey to 1,037 external general docket customers, and 214 responded, for a total response rate of 20.6%. For the ADR Survey, SOAH sent the survey to 279 external customers, and 65 responded, for a total response rate of 23.5%.



## Survey Responses – Hearings

<b>Question</b>	<b>Very Satisfied</b>	<b>Satisfied</b>	<b>Neutral</b>	<b>Unsatisfied</b>	<b>Very Unsatisfied</b>	<b>N/A</b>
Administrative /docketing staff were courteous, Professional, and knowledgeable	100	50	18	6	10	12
Agency staff was helpful and responsive to my inquiry, request for assistance (including service in person)	85	55	19	9	12	15
Satisfaction with agency communications, including telephone access, the average time you spend on hold, call transfers, access to a live person, letters, and any other communications	71	58	24	8	12	17
SOAH's website is user – friendly, easy to use and navigate	48	62	38	13	16	11
ALJ was courteous and professional	116	42	10	4	10	4
ALJ conducted my hearing fairly and efficiently	96	42	18	6	18	5
ALJ was knowledgeable about the law and procedures in my case	88	50	17	6	17	6
Decision in my case was clear and well-written	89	46	15	8	17	9
Office location was accessible and facilities were clean	36	34	21	2	8	82
Self-represented litigant guides provided by SOAH are clear, understandable, and useful	24	19	25	1	12	102
Ease of filing a complaint and responses are timely	29	20	14	9	12	99
Overall satisfaction with remote hearings technology and process at SOAH	77	56	21	7	10	11
Overall, I was satisfied with the hearings process at SOAH	75	60	17	10	15	3

*Survey Responses – ADR*

<b>Question</b>	<b>Very Satisfied</b>	<b>Satisfied</b>	<b>Neutral</b>	<b>Unsatisfied</b>	<b>Very Unsatisfied</b>	<b>N/A</b>
Administrative/docketing staff were courteous and professional, and knowledgeable	45	9	3	3	0	3
Agency staff was helpful and responsive to my inquiry, request for assistance (including service in person)	40	10	5	0	4	4
Satisfaction with agency communications, including telephone access, the average time you spend on hold, call transfers, access to a live person, letters, and any other communications	40	10	5	1	3	4
SOAH's website is user – friendly, easy to use and navigate	20	16	12	3	1	11
Mediator was courteous and professional	45	9	1	4	2	2
Mediator was fair and efficient	41	8	7	1	3	3
Mediator understood the issues and relevant law	39	12	4	3	2	3
Mediator controlled the process and kept it moving efficiently, allowing parties adequate time to evaluate options without rushing	39	12	4	1	4	3
Office location was accessible and facilities were clean	11	4	7	0	1	40
Self-represented litigant guides provided by SOAH are clear, understandable, and useful	7	2	9	1	0	44
Guide to Mediations provided by SOAH is clear, understandable, and useful	19	8	11	2	0	23
Ease of filing a complaint and responses are timely	10	5	5	4	1	38
Overall satisfaction with the remote hearings technology and process at SOAH	36	13	4	2	4	3
Overall, I was satisfied with the mediation process at SOAH	36	12	5	1	5	3

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## Analysis of Responses

### *Overall Analysis of 2021 Results*

On the whole, the 2021 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 87.37%. On the ADR survey, the overall satisfaction rate was 91.95%.

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, except for a small number of case types over which SOAH does not currently have authority to change the filing mechanism.

## Performance Measure Information

<b>Customer Service Standard Measures</b>	<b>FY 2021 Hearings</b>	<b>FY 2021 ADR</b>
Percentage of Surveyed Customer Respondents Expressing Overall Satisfaction with Service Received	87.37%	91.95%

The agency anticipates similar results for Fiscal Year 2022.