

AGENCY STRATEGIC PLAN

For the Fiscal Years 2011-15 Period

by

TEXAS ETHICS COMMISSION

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By

Texas Ethics Commission

Board Member	Dates of Term	Hometown
Jim Clancy	2010-2013	Portland
Wilhelmina Delco	2008-2011	Austin
Jim Graham, Vice Chair	2007-2009	Dallas
Tom Harrison	2004-2011	Austin
George "Trey" Henderson III	2009-2011	Lufkin
Paula M. Mendoza, Chair	2007-2007	Houston
Tom Ramsay	2010-2013	Mount Vernon
Ambassador Chase Untermeyer	2010-2013	Houston

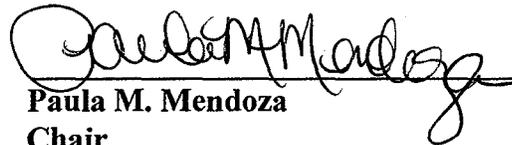
Submitted June 18, 2010

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Executive Director

APPROVED:



Paula M. Mendoza
Chair

Texas Ethics Commission Strategic Plan For the Fiscal Years 2011-15 Period

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SECURING OUR FUTURE

The Mission of Texas State Government

Texas state government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of the public trust must be men and women who administer state government in a fair, just, and responsible manner. To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner.

Aim high . . . we are not here to achieve inconsequential things!

The Philosophy of Texas State Government

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise we will promote the following core principles.

- First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics, or individual recognition.
- Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
- Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local governments closest to their communities.
- Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. Just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future and the future of those they love.
- Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
- State government has a responsibility to safeguard taxpayer dollars by eliminating waste and abuse, and providing efficient and honest government.
- Finally, state government should be humble, recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.

Relevant Statewide Goals and Benchmarks

PRIORITY GOAL:

To provide citizens with greater access to government services while reducing service delivery costs and protecting the fiscal resources for current and future taxpayers by:

- Supporting effective, efficient, and accountable state government operations; and
- Conservatively managing the state's debt.

BENCHMARKS:

- Number of state services accessible by the Internet; and
- Total savings realized in state spending by making reports/documents/processes available on the Internet.

PRIORITY GOAL:

To ensure Texans are effectively and efficiently served by high-quality professionals and businesses by:

- Implementing clear standards; and
- Ensuring compliance.

BENCHMARKS:

- Percentage of documented complaints to professional licensing agencies resolved within six months; and
- Percentage increase in utilization of the state business portal.

Agency Mission

The mission of the Texas Ethics Commission as mandated in the state constitution is to promote public confidence in electoral and governmental processes by enforcing and administering applicable laws as well as training state officials, candidates for state office, and state employees on those laws governing standards of conduct, personal financial disclosure, lobby registration and activities, political contributions and expenditures, and political advertising.

Agency Philosophy

The Texas Ethics Commission will conduct business in an efficient, accurate, and courteous manner according to the highest ethical standards. We will be accountable, responsible, and open in our endeavors and dedicated to the people we serve.

EXTERNAL/INTERNAL ASSESSMENT

I. Overview of Agency Scope and Functions

A. *Statutory Basis*

The Texas Ethics Commission has both constitutional and statutory duties. The Commission was created effective January 1, 1992, by a voter approved constitutional amendment. This amendment added Section 24a to Article III, Legislative Department, of the Texas Constitution. The article establishes an eight-member Commission, with four members appointed by the Governor, and two each by the Lieutenant Governor and the Speaker of the Texas House of Representatives. Appointees are selected from lists submitted by the Texas Senate and the Texas House of Representatives. These lists represent individuals from each political party required by law to hold a primary. Accordingly, equal numbers from each major political party are represented on the Commission. Furthermore, by constitutional provision, the members hold staggered four-year terms and annually elect a presiding officer.

Statutory authority for the Commission is outlined in Chapter 571 of the Texas Government Code. The Commission is subject to review, but not abolishment, under Chapter 325 (Texas Sunset Act). The Commission was subject to review in 2003, and will again be subject to review in 2015.

B. *Historical Perspective*

The Commission has been in existence for over eighteen years. Although the core mission and functions of the agency have not changed in this time, both legislative action and advancements in technology have led to significant changes in the way in which we perform and accomplish our duties.

The 76th Legislature enacted HB 2611, which required certain Commission filers to submit their campaign finance reports electronically. Although there were a number of statutory exceptions to that requirement, HB 2611 was significant in that for the first time, electronic filing became mandatory. Most of those exceptions to electronic filing were repealed by the 78th Legislature in HB 1606, which resulted in a significant increase in the number of campaign finance reports that are electronically filed.

The Commission underwent its first review under the Texas Sunset Act beginning in 2001. The sunset review culminated in the enactment of HB 1606 by the 78th Legislature, R.S., which made significant changes to the Commission's sworn complaint procedures as well as numerous substantive changes to the laws administered and enforced by the Commission. HB 1606 also required the Commission to develop and implement a mandatory electronic filing system for lobbyists by December 2004.

With the implementation of electronic filing, the Commission has continued to improve the filing software and filing processes for the electronic filing of campaign finance and lobby reports. Since 2006, the Commission has continually worked to enhance its web-based campaign finance system to accommodate a greater diversity of user needs.

Additionally, in order to enhance its training program, the Commission developed an online training program for state officers and executive branch employees, and members of the legislature and legislative branch employees. The web-based program includes an overview of laws governing the conduct of state employees, a quiz, and a certificate of completion. In 2008, the Commission created a training video for campaign finance filers. The training video is available on the agency website or the DVD is available upon request.

Today, the Commission continues to implement the latest technology in order to make the filing and retrieval of information as easy and convenient as possible.

C. Affected Populations

1. Registered lobbyists
2. Elected and appointed public officials
3. Political committees registered in Texas and out-of-state committees that are active in Texas
4. State government and agency employees
5. Candidates for office in all political subdivisions
6. All political subdivisions (county, city, school districts, water districts, etc.) in Texas
7. General public

D. Main Functions

Constitutionally, the Commission is authorized to recommend the salary of members of the legislature and the lieutenant governor subject to the approval by the voters at the subsequent general election for state and county officers. The Commission is required to set the per diem for members of the legislature and the lieutenant governor.

Statutorily, the Commission is responsible for administering the following laws: (1) Chapter 572, Government Code, regarding personal financial disclosure and conduct of state officers and employees; (2) Chapter 302, Government Code, concerning the election of the Speaker of the Texas House of Representatives; (3) Chapter 303, Government Code, concerning the Governor for a Day and Speaker's Reunion Day ceremonies; (4) Chapter 305, Government

Code, relating to lobbyist registration and activities; (5) Title 15, Election Code, governing political contributions and expenditures and political advertising; (6) Chapter 2004, Government Code, concerning representation before state agencies; (7) Chapter 159, Local Government Code, concerning judges of statutory county courts or probate courts who elect to file a financial statement with the Commission; and (8) Sections 2152.064 and 2155.003 of the Government Code concerning conflict of interest provisions applying to the Texas Facilities Commission and the Comptroller's Office.

The Commission serves to receive and make available for public review and inspection disclosure reports that are required by these laws; serves as a resource for interpretation of these laws (by issuing advisory opinions); has rulemaking authority with respect to these laws; processes sworn complaints filed in connection with these laws; and provides training for state employees and officeholders for compliance with these laws. Additionally, the Commission may issue advisory opinions about Chapters 36 and 39, Penal Code, concerning bribery, corrupt influence, and abuse of office.

E. Who Are We in the Public's Perception?

The Commission is the public's source for information required to be disclosed in reports filed by public officials, candidates for public office, and persons attempting to influence public officials, and the main resource for assistance in understanding the laws administered by the Commission. The Commission is the civil enforcement authority for the laws under its jurisdiction. Furthermore, the Commission is a resource to state agencies for ethics training for state employees.

II. Organizational Aspects

A. Size and Composition of Workforce (A/O 06-01-10):

1. Full-Time Employees: 37 authorized
2. Part-Time Employees: 0
3. EEO Composition: Female: 65.7 %; Male: 34.3%; White: 60.0%; Hispanic: 28.6%; Black: 8.6%; Other: 2.8%
4. Occupational Categories: Administrative Support: 16; Professional: 9; Technical: 6; Officials/Administration: 6
5. Exempt: 2; Classified: 35

B. Organizational Structure and Process

The Commission is headed by an executive director who oversees the following five divisions: Enforcement, Disclosure Filings, Advisory Opinions and Education, Administration, and Computer Services. The organizational structure is hierarchical (see Organizational Chart in Appendix B).

Enforcement Division

The Commission has the authority to enforce all laws under its jurisdiction except Chapters 36 and 39, Penal Code. Thus, the Commission's enforcement jurisdiction extends to all individuals and entities filing reports with the Commission, as well as to those who file campaign finance reports with local filing authorities such as the county or city clerk or election administrator. The Commission is authorized to undertake civil enforcement actions on its own motion or in response to a sworn complaint, hold enforcement hearings, issue orders, impose civil penalties, refer matters for criminal prosecution, and deny, suspend, or rescind a lobby registration for specified reasons. A sworn complaint sets in motion a process which may include a preliminary review, a preliminary review hearing, and a formal hearing, and which permits resolution of the complaint at several points in the process. Unless an open order is issued, the Commissioners and Commission staff are required to keep a complaint confidential.

The Commission also imposes administrative penalties on filers who are late in filing reports with the Commission. This process is an administrative function and does not require a sworn complaint to be filed. The administrative process involves notifying filers that a report is late and that a penalty may be administratively assessed. Both the executive director and members of the Commission have the authority to waive or reduce administrative penalties for reasons specified by rule. A filer who does not pay an administrative penalty is referred to the Office of the Attorney General for collection of the penalty and to the Comptroller of Public Accounts to initiate the warrant-hold process. The Enforcement Division (authorized 10 FTEs) handles all regulatory functions in addition to providing legal counsel to the agency on daily operational matters. The legal staff is also available to assist callers and visitors to the agency who have questions about any of the laws under the Commission's jurisdiction.

Disclosure Filings Division

The Commission serves to receive and make available for public review and inspection required disclosure reports for state officials, candidates, political committees, lobbyists, political parties, party chairs, legislative caucuses, and certain district and county judicial officers. Since July 2000, campaign finance reports filed with the Commission are required by law to be filed electronically unless the filer qualifies for and claims an exemption. Since December 2004, lobbyists are required to file lobby reports electronically unless the filer qualifies for and claims an exemption. Campaign finance and lobby reports make up the majority of the reports filed electronically with the Commission. The other reports filed with the Commission are filed on paper. The Disclosure Filings Division (authorized 9 FTEs) handles the processing and maintenance of all reports received by the Commission. In addition, this division provides the public with information about and copies of disclosure reports filed with the agency; distributes blank disclosure reporting forms upon request; and collects charges for copies as authorized by law.

Advisory Opinions and Education Division

The Commission has the authority to issue advisory opinions about the laws under its jurisdiction, as well as Chapter 36, Penal Code, which includes the laws relating to bribery and benefits to public servants, and Chapter 39, Penal Code, which includes the laws relating to the misuse of government resources. The Commission also provides ethics training to state and local officers and employees on request, and produces educational materials and conducts training programs for other groups affected by laws administered by the Commission. The Commission has also implemented an on-line ethics training program for state officers, members of the legislature, agency employees, and legislative branch employees. The Advisory Opinions/Education Division is authorized 3 FTEs, with two assigned to advisory opinions and one to the education program.

Administration Division

This division (authorized 7 FTEs) handles the business functions of the agency. It provides the primary support for the agency with respect to accounting and budgeting, purchasing, travel, payroll, human resources, supply, reception and secretarial duties, building and equipment maintenance, risk and safety management, mail services, and inventory control.

Computer Services Division

The Computer Services Division (authorized 8 FTEs) maintains the Commission's technology infrastructure, the electronic filing system and database, and the agency website. This division also provides technical support to filers who are required to file reports electronically with the Commission, prepares reports in response to open records requests for data from electronically filed reports, and assists staff with computer applications.

C. Location

The Ethics Commission is located in the state's capitol complex in Austin, Texas, at 201 E. 14th Street on the 10th floor of the Sam Houston Building. This location is adjacent to the Capitol building on the fringe of the Capitol grounds.

D. Geographic Regions Served

The Ethics Commission serves a customer base that is located throughout the state and nation. Most services are provided either by correspondence, Internet, or telephone. There is also a core customer base that uses our public viewing room to access the information provided by the Commission. The public viewing room is set up with computer stations that enable filers to file their reports and for the general public to access the Commission's website to review all filed reports. The Commission is continually working to update the amount and types of information available on our website. It is the Commission's goal to provide as much information as possible on-line in order to meet the needs of our customers.

E. Human Resource Strengths and Weaknesses

The Ethics Commission is fortunate to have a staff that ranges broadly in training and experience. As a small agency it is necessary to have a staff that is diverse in skills because employees are often asked to perform more than one job function. Because the Commission is a small agency, one staff person often performs duties that are typically staffed by an entire department in a large agency. Turnover can be a problem in a small agency since one person may be responsible for entire, and sometimes multiple, agency functions. It is, therefore, critical that people are cross-trained throughout the agency. With the increased use of and reliance on technology, as well as the increasing number of sworn complaints filed, the Commission has come to rely on an increasingly professional and highly trained workforce. Attorneys, technicians, and filing professionals all play an essential role in assisting those required to file reports with the Commission, enforcement of laws, and responding to inquiries from the public and media. Turnover rates have averaged 14.9 percent over the last five years. There are currently four employees eligible to retire and another three employees will become retirement eligible in FYs 2011-2015. This represents 20.0 percent of our current workforce.

F. Capital Asset Strengths and Weaknesses

The information technology requirements of the Texas Ethics Commission increase each year with the advancement of the electronic filing process and the ongoing advancement in dissemination of disclosure data to the public. Consequently, with the rapid progression of computer technology, it is necessary to update computer equipment and software on a regular basis. In the 2010-11 biennium, the Commission received \$32,300 in Capital Budget Authority to replace aging technology equipment, although these funds are included in the 5% Budget Reduction Plan. While there are no other capital budget items planned at present, the Commission continues to monitor and evaluate its technology capacity in planning for and addressing future technology advancements.

G. Agency Use of Historically Underutilized Businesses

The Ethics Commission currently follows an established policy that incorporates the use of historically underutilized businesses (HUBs). The Commission consistently strives to incorporate the use of HUBs in its procurement practices; however, since we are a small agency that has few contracts and a low procurement rate, it is sometimes difficult to meet every statewide goal for HUB use. For the past four years the Commission has exceeded statewide goals for two of the three HUB procurement categories for which we had expenditures.

H. Key Organizational Events

Since the majority of the Commission's duties revolve around the filing of required reports, the following summarize the filings which have a major impact on the Commission:

STATE CANDIDATES AND OFFICEHOLDERS/COUNTY CANDIDATES AND OFFICEHOLDERS. Certain candidates and officeholders, including judicial candidates and officeholders, file campaign finance reports with the Texas Ethics Commission. Semiannual reports are filed every January and July. In election years, opposed candidates on the ballot file pre-election reports that are due 30 days and 8 days prior to a primary election, 8 days prior to a primary runoff election, if applicable, and 30 days and 8 days prior to a November general election. Certain other candidates and officeholders file reports with political subdivisions if they are involved in a uniform/special election. Similarly, the campaign treasurer of a specific-purpose political committee that is involved in a primary election, a primary runoff election, the November general election, or other uniform election date must also file pre-election reports. Former officeholders who retain contributions must file an annual report of unexpended contributions in January each year.

GENERAL-PURPOSE POLITICAL COMMITTEES/SPECIFIC-PURPOSE POLITICAL COMMITTEES. General-Purpose Political Committees, including County Executive Committees, and Specific-Purpose Political Committees, must file semiannual reports every January and July. However, when a political committee files a campaign treasurer appointment, it may select monthly filing. In that case, reports are due no later than the 5th of each month. If a political committee is involved in an election, it must file the pre-election reports due 30 days and 8 days prior to the election.

PTY-CORP - POLITICAL PARTY REPORT REGARDING FUNDS FROM CORPORATIONS AND LABOR ORGANIZATIONS. Political parties are required to disclose contributions from corporations and labor organizations and expenditures from such contributions. Semiannual reports are due in January and July each year. In even-numbered years, pre-election reports may be required.

LOBBY. Lobbyists who meet certain expenditure or compensation thresholds are required to register with the Commission every year. Lobbyists may select annual filing or monthly filing of lobby activities reports. If filing annually, a report is due on or before January 10 of each year. If filing monthly, a report is due on or before the 10th of each month. The option to file annually is available only if the registrant intends to make less than \$1,000 in lobby expenditures during the calendar year.

PERSONAL FINANCIAL STATEMENTS (PFS). Every “state officer,” as defined by Chapter 572 of the Government Code, and the state chair of each political party, must file an annual PFS with the Texas Ethics Commission. The PFS is due on or before April 30th each year. Certain filers may request a sixty-day extension of the filing deadline. An appointed or elected officer continues to serve as a state officer until his or her successor has qualified for office. In even-numbered years, all candidates must file the PFS no later than the 40th day after the date of the regular filing deadline for an application for a place on the ballot in the general primary election. There is no extension available for this deadline.

I. Use and Anticipated Use of Consultants

None projected at present.

III. Fiscal Aspects

A. Size of Budget

The Commission is currently appropriated \$2,072,514 for FY 2010 and \$2,074,815 for FY 2011, which includes \$32,300 in Capital Budget Authority for the replacement of aging technology equipment and \$16,380 in Appropriated Receipts from information request copies. However, while the above numbers reflect current appropriations, in the beginning of calendar year 2010, the legislature mandated a 5% Budget Reduction Plan which reduces the above available expenditures by \$94,317 in FY 2010 and \$112,306 in FY 2011. Among the items included in the 5% Budget Reduction Plan were the replacement of the aging technology items referred to above, the maintaining of two current vacancies, and reduction in staff training, travel, and supplies.

B. Method of Finance

The method of finance is through the consolidated general revenue fund accounting for 99.6% of the Commission's appropriations. The Commission also collects appropriated receipts for information on file with the Commission such as copies or disks of reports.

C. Degree to Which Current Budget Meets Current and Expected Needs

The Ethics Commission functions primarily as a service agency and, as such, personnel costs comprise the major expense, 91.9%, of the agency budget. These costs comprise not only salaries but also salary-related costs including retirement, insurance, and FICA. Another budget driver for the Commission is information technology. Every year the maintenance and acquisition demands on our IT infrastructure increase.

While the Commission will continue to provide its current level of services throughout the FY 2010-11 biennium, the implementation of the 5% Budget Reduction Plan will reduce the agency's flexibility to upgrade aging technology and invest in career path and training of professional personnel. These needs are expected to increase throughout the strategic planning years of FYs 2011-15.

D. Capital and/or Leased Needs

The Commission received \$15,000 in Capital Budget Authority in FY 2010 and \$17,300 in FY 2011 to replace aging catalyst switches and servers. With no other reasonable alternatives, these items were placed on the 5% Budget Reduction Plan implemented by the Legislature in 2010. While funding is limited, to continue the quality of its current services and to improve its services to customers, the agency will on a continual basis need to replace aging technology equipment with newer more advanced technology. The current lack of investment in newer technology may cause disruption and/or delays in service to customers

and will likely slow the Commission's planned advancements in electronic filing and Internet disclosure initiatives.

E. Other Budget Issues

Changes have been developing in campaign finance law. One example is that of the recent U.S. Supreme Court decision, *Citizens United v. Federal Election Commission*, in which the Supreme Court, citing limitations on free speech, held that laws prohibiting corporations from making independent expenditures (referred to as direct campaign expenditures under Texas law) were unconstitutional. This trend may continue. The concern for the Commission is that, as the agency responsible for enforcing these laws, persons or entities may bring suit against the Commission directed at other statutes on similar free speech grounds. Even if the court does not award monetary damages, federal law provides that attorney's fees may be awarded to a plaintiff who prevails in a suit brought under 42 U.S.C. § 1983, which includes First Amendment violations such as freedom of speech. Currently, a state agency is responsible for paying that award with up to 10% of its annual budget¹. As a small agency, with minimal flexibility in its budget, it is unlikely the Commission can absorb the cost of paying such an award.

IV. Service Population Demographics

The Texas Ethics Commission regulates campaign finance and disclosure, lobbying, personal financial disclosure for state officers, and standards of conduct training for state officers and employees. Accordingly, our regulated population includes candidates for elective office, elected and appointed officers, political committees, state employees, and lobbyists, all currently totaling 8,292 filers with the Commission. Candidates, state officers, and lobbyists are a relatively small, self-selected group that is not subject to ordinary demographic indicators. Changes are small from year-to-year in the numbers of our regulated population, except that in election years we do see an increase in the number of sworn complaints filed, and in legislative session years we see an increase in the number of registered lobbyists. Additionally, the Commission is a resource to administrators of political subdivisions throughout the state for knowledge, education, and forms related to the laws we administer.

State employees are a largely white-collar work force, though state employees fill nearly every conceivable job description. Although somewhat concentrated in the Austin area, state employees live and work throughout the state. Nearly 305,000 state employees work for approximately 250 state agencies (depending on how the term "state agency" is defined). The Ethics Commission's main responsibility to state employees as a group is to provide them with ethics education and guidelines.

¹In FY 2009, in the matter of *Freemarket Foundation, et. al. v. Texas Ethics Commission*, the United States District Court for the Western District of Texas awarded attorney's fees to the plaintiffs in the amount of \$218,000. The Commission was responsible for paying \$188,349 (or 10% of its FY 2009 budget). The 81st Legislature ultimately reimbursed the Texas Ethics Commission that amount in a supplemental appropriation.

The primary consumer of information on file with the Commission, pursuant to the disclosure statutes we administer, is the general public. While the information is available to any person, the general public historically relies on the media as its means to obtaining the disclosed information. In order to best serve all population demographics, the Commission is continually updating and increasing the types of information available through the Internet.

V. Technological Developments

Over the past 18 years the Commission has become acutely dependent upon technology in performing its core job functions. Legislation requiring the electronic filing of certain reports and documents and the public's reliance on obtaining information through the Internet has increased this dependency. The Commission continues to refine its technology-based systems. Since mandatory electronic filing of campaign finance reports by certain filers began in 2000, the Commission has worked to resolve issues surrounding the campaign finance electronic filing software.

Additionally, the Commission continually updates and improves its website. The website has become a dynamic instrument for disseminating and distributing Commission information.

As a result of legislation passed in 2003, the Commission has created an electronic filing system for filing lobbyist registration and activities reports. The lobbyist electronic filing system consists of software used by lobbyists on their personal computers, the ability to submit electronic payment of the lobby registration fee through the Internet, and expanded search capabilities for lobby information on the Commission's website.

Since the implementation of electronic filing, the Commission has continued to improve the filing software and filing processes for the electronic filing of campaign finance and lobby reports. In 2006, the Commission enhanced its web-based campaign finance system to accommodate a greater diversity of user needs.

The Commission has also developed video training for candidate/officeholder campaign finance reporting. The videos are available for download from the website or a DVD may be ordered. Additionally, in order to enhance its training program, the Commission developed an online training program for state officers and executive branch employees, and members of the legislature and legislative branch employees. The web-based program includes an overview of laws governing the conduct of state employees, a quiz, and a certificate of completion.

Currently, in an effort to reduce postage costs, the Commission is converting to e-mails from paper mailed notices as the method by which to notify filers of reports that are due to be filed with the Commission. E-mail notices to file are currently available on a voluntary basis for most reports and systems are being established to implement a mandatory e-mail notice system, exempting only the small percentage of filers who still qualify to file reports on paper.

The Commission is also continually working to provide the public with more data. The Commission now has raw data downloads available on its website. In addition to searching for individual campaign finance reports and lobby activities reports, the public and press can now access and download a Campaign Finance Report Database and a Lobby Activities Reports Database.

Looking out over the next five years, we know that the campaign finance and lobby electronic filing systems are currently serving our customers well. However, the software was created with a programming language that is becoming out of date and may no longer be supported in the next few years. Due to statewide budget constraints, obtaining additional funding through the budget process to contract a new electronic filing system appears unlikely. Therefore in FY 2009, two vacant positions were filled with two additional programmers in a plan to internally create an electronic filing program utilizing more modern and versatile programming methods, such as JAVA and XML, that would better serve campaign finance and lobby customers. The plan also envisions that personal financial statement filers would begin filing electronically. The plan is estimated to be completed in FY 2013, however any additional budget cutbacks could delay implementation.

VI. Economic Variables

The key economic variables and changing economic conditions are affecting the agency as the state is responding to budgetary shortfalls due to a national recession that is affecting the state's economy. Due to the fiscal forecast for the next biennium, the legislature has required state agencies to implement a 5% budget reduction over the current biennium. The budget reduction is resulting in cutbacks in filling vacant positions, purchase of catalyst switches and a server to replace aging technology, reduced staff training, and other operational costs.

VII. Impact of Federal Statutes/Regulations

Although federal law has little direct influence on agency functions because federal ethics and campaign finance laws apply to a different set of public servants than those regulated by the Commission, a trend toward more stringent contribution limits and other campaign finance issues at the federal level could have an effect on the laws administered by the Commission. Generally, applicable federal laws, such as the Americans with Disabilities Act, of course, affect the Ethics Commission in the same way as any other state agency.

VIII. Other Legal Issues

The Commission has adopted rules and advisory opinions that address current issues, as well as issues that are developing due to changes in technology and law. For example, in April 2010, Commission Rule § 20.61 was adopted to clarify the reporting of political expenditures. Additionally, at the same meeting, the Commission adopted Ethics Advisory Opinions (EAO) 489 and 491. EAO 489 addresses the enforcement of certain Texas statutes regarding direct campaign expenditures by corporations and labor unions in light of the

decision by the U.S. Supreme Court in *Citizens United v. Federal Election Commission*. (*Citizens United v. FEC*, ___U.S. ___, 130 S. Ct. 876, 913; 175 L. Ed. 2d 753,798-99 (2010)). EAO 491 addresses political advertising disclosure statements on social networking sites.

AGENCY GOALS, OBJECTIVES, AND MEASURES

GOAL 1: To increase the public's ability to access information about public officials, candidates for public office, and persons attempting to influence public officials and elections, and to assist people in understanding their responsibilities under the laws administered by the Commission, thereby enhancing the potential for individual participation in government.

OBJECTIVE: To make reports required to be filed with the Commission available to the public within two business days of receipt; to provide responses to advisory opinion requests within 60 days; and to respond to sworn complaints within five business days after filing.

Strategy I: Information Filing. Serve as the repository for information required to be filed with the Commission and assist persons in accessing that information.

Outcomes: Percent of reports available for public inspection within two business days of receipt.

Outputs: KEY. Number of reports logged within two business days of receipt.

Number of reports received and processed.

Explanatory: Number of inquiries for information.

Number of lobbyists registered with the Commission.

Number of public officials required to file reports with the Commission.

Number of reports due filed electronically.

Strategy II: Advisory Opinions. Aid the public and those subject to the laws administered and enforced by the Commission in complying with and understanding those laws by responding quickly, accurately, and impartially to advisory opinion requests.

Outcomes: KEY. Percent of advisory opinion requests answered by the Commission within 60 days of receipt.

Outputs: Number of advisory opinions adopted by the Commission.

Efficiencies: KEY. Average time (business days) to answer advisory opinion requests.

Explanatory: Number of advisory opinion requests received.

Strategy III: Enforcement. Enforce compliance with laws administered by the Ethics Commission by responding quickly and impartially to sworn complaints, by performing investigations where advisable, and by assessing penalties for late reports.

Outcomes: Percent of sworn complaints processed within five business days after filing.

Outputs: Number of sworn complaints recommended for resolution.

Number of sworn complaints processed within five business days after filing.

KEY. Number of sworn complaints processed.

Number of late notices sent to filers.

Efficiencies: KEY. Average time (business days) to respond to sworn complaints.

Average time to notify filer of late report.

Average time to notify complainants and respondents of Commission determination.

Explanatory: Number of sworn complaints received.

Percent of filers filing timely reports.

Number of late penalties received.

Percent of sworn complaints resolved within 180 business days of receipt.

OBJECTIVE: To reach state employees with educational materials and to fulfill requests for educational presentations.

Strategy IV: Education. To educate the public, state employees, local government employees, and those subject to the laws administered and enforced by the Commission by responding to requests for information about the application of ethics laws, by making public presentations, by prescribing clear reporting forms and guidelines, by making educational materials broadly available, and by recommending campaign finance and ethics law changes to the Legislature.

Outcomes: Percent of state employees reached by education program.

Percent of requests for educational presentations fulfilled.

Outputs: Number of educational presentations made by staff.

GOAL 2: Indirect Administration. We shall establish and carry out policies governing purchasing and contracting that foster meaningful and substantive inclusion of historically underutilized businesses.

OBJECTIVE: To include historically underutilized businesses (HUBs) in at least 20 percent of the total value of contracts and subcontracts awarded annually by the agency in purchasing and contracting.

Strategy: **Indirect Administration. Develop and implement a plan for increasing the use of historically underutilized businesses through purchasing contracts and subcontracts.**

Outcome: Percent of total dollar value of purchasing and contracts and subcontracts awarded to HUBs.

Outputs: Number of HUB contractors and subcontractors contacted for bid proposals.

Number of HUB contracts and subcontracts awarded.

Dollar value of HUB contracts and subcontracts awarded.

Technology Resources Planning

Part 1: Technology Assessment Summary

- Provide a brief description of the planned technology solutions that respond to the key factors that will affect the agency. Consider how those solutions align with the statewide technology goals reflected in the State Strategic Plan for Information Resources (*Advancing Texas Technology*).

The Texas Ethics Commission continues to examine how it provides technological service to the state. In an effort to remain responsive to an ever-changing technological environment, TEC is migrating to software developed in a platform-independent method and to provide data accessible in an open format thus promoting services that can be consumed by anyone as well as government transparency.

- Provide agency descriptions related to each statewide technology goal listed below. The criteria for these descriptions appear after each goal and are labeled 1.a, 1.b, 2.a, and so forth.

Statewide Technology Goal 1

Strengthen and Expand the Use of Enterprise Services and Infrastructure

1.1 Enhance Capabilities of the Shared Infrastructure

- Data Center Infrastructure
- Communications Technology Infrastructure
- Statewide Portal Infrastructure

1.2 Leverage Shared Applications

- Enterprise Resource Planning (ERP)
- Email Messaging

1.3 Leverage the State's Purchasing Power

- Product and Services Portfolio Expansion

- 1.a Describe agency plans to strengthen and/or expand its capabilities through the initiatives described in Statewide Technology Goal 1.

Currently, the Texas Ethics Commission is utilizing TEX-AN for its Internet and long distance services. There are no current plans to expand capabilities through other shared resources of the state due to the confidential information that is collected by the agency.

- 1.b Describe agency plans to strengthen and/or expand its capabilities through other initiatives that leverage enterprise or multi-agency services and infrastructure, including managed services, shared applications, internal consolidation efforts, and procurement strategies.

Technology Resources Planning

The agency plans to strengthen its capabilities by consolidating three aging servers that perform similar functions into one new server with greater capacity and longevity. The agency will continue to utilize the purchasing power of the state's ICT Cooperative Contracts program.

Statewide Technology Goal 2

Secure and Safeguard Technology Assets and Information

2.1 Align the State's Approach to Enterprise Security with other State and National Strategies

- State Enterprise Security Plan
- Vulnerability to Cyber Attacks
- Response and Recovery Capabilities

2.2 Integrate Identity Management, Credentialing, and Access Privileges

- Identity Management Services

2.a Provide an update on the agency's progress in implementing strategies to align with the *State Enterprise Security Plan*.

The agency continues to work with DIR to align with the *State Enterprise Security Plan*. These efforts include annual controlled penetration testing to test the network security and strength as well as a cooperative effort to analyze current security standards and apply them to our system such as enhanced firewall security and DMZ. The staff at the Texas Ethics Commission works daily with the staff at DIR to alert them of any potential threats discovered and other concerns.

The agency also recently upgraded its data backup process to utilize new technology for data security and integrity. The Commission continues to utilize shared state resources for offsite data and disaster recovery systems.

2.b Describe the agency's identity management strategies in place or planned.

The Texas Ethics Commission has long maintained a multi-step process for identity verification for its filers. The laws governing the agency have also set some requirements for citizen identification verification before open records can be released. Even with these systems in place, the agency is continuing to examine its identity management and opting for improvements where feasible.

Technology Resources Planning

Statewide Technology Goal 3

Serve Citizens Anytime, Anywhere

3.1 Expand and Enhance Access to Agency Services

- Multi-Channel Access
- Rural Broadband Expansion

3.2 Facilitate Open and Transparent Government

- Best Practices for Information Assets

3.a Describe the agency's plans to expand or enhance access to its services and promote citizen engagement through online services and emerging technologies.

The agency continues to improve access to its online services. Among the plans currently in place are an online lobbyist registration and reporting system, greater data availability in standardized formats, and harnessing new technologies to improve the experience of our filers through improved multi-platform software options.

3.b Describe initiatives planned or in process that will facilitate access to agency information and public data.

The Texas Ethics Commission continues to work to make the Commission information easily accessible and transparent. The agency has recently implemented release of all its campaign finance data and lobby activities reports information in Microsoft Access format available on the website. Plans are under way for that same data to be released in a standardized format that will be vendor-independent. The online search engines that enable anyone to search all the open records are being redesigned to provide greater efficiency and ease of use.

The agency keeps working with public and staff recommendations to improve its website in order to make the filing and retrieval of Commission information as easy and convenient as possible utilizing a best practice approach to information access.

Statewide Technology Goal 4

Pursue Excellence and Foster Innovation across the Enterprise

4.1 Link Technology Solutions to Workplace Innovations

- Workplace Productivity and Collaboration

4.2 Pursue Leading-Edge Strategies for Application Deployment

- Cloud Computing

Technology Resources Planning

- Specifications, Toolkits, and the Application Marketplace
- Legacy Systems Modernization

4.3 Optimize Information Asset Management

- Best Practices for Managing Digital Information

4.4 Promote the Use and Sharing of Information

- Health Information Exchange
- Statewide Communications Interoperability
- Justice Information System Integration
- Enterprise Geospatial Services

4.a Describe agency plans to implement or enhance workplace productivity and to leverage collaboration tools.

Workplace productivity will always be an area of focus and concern for government agencies. The Texas Ethics Commission will continue its efforts in enhancing productivity by providing staff with easy access to forums and other online collaboration tools for information sharing and training. A new procedures documentation program and cross-training program has been implemented to share knowledge within the agency's technology staff so that workloads can be shared and staff can work more efficiently and effectively together.

4.b Describe agency strategies to develop and deploy applications more efficiently (i.e., through Cloud Computing, Software as a Service, Application Toolkits, Legacy System Modernization).

Though budget cuts and constraints have left the Texas Ethics Commission little room to improve its legacy systems, the commission staff is working to find creative ways to upgrade at little to no cost. The main focus of upgrading legacy systems is a long term redesign of software systems that are used by our customers. Current software systems are written in a language that is becoming outdated. With the recent availability of open source development tools that are no cost to government entities and advancements in data standardizations globally, the agency is utilizing these resources to build a new software infrastructure that will be flexible enough to have one resource provide services to our filers using any operating system platform as well as a web based service. This will reduce development time since only one resource will need to be developed instead of multiple versions. This will also allow for better service to the filing community in general.

Technology Resources Planning

4.c Describe agency strategies to enhance information asset management practices.

Since the Texas Ethics Commission is a small agency and is legally required to maintain a majority of its data indefinitely, information asset management is fairly well defined for the agency. The executive staff appointed one staff member to be responsible for monitoring all data retention requirements and notifying appropriate staff when data can be purged. Due to limited agency space, data retention is also reviewed at least annually by each department for all data that does not have a legal retention provision.

4.d Describe agency practices or plans to enhance the use and sharing of information with agency business partners.

Data collected by the Texas Ethics Commission is mostly available on our website and through the Open Records Request process.

Technology Resources Planning

Part 2: Technology Initiative Alignment

The table below depicts the format and mapping of the Texas Ethics Commission's current and planned technology initiatives to the agency's business objectives.

TECHNOLOGY INITIATIVE	RELATED AGENCY OBJECTIVE/(S)	RELATED SSP STRATEGY	CURRENT OR PLANNED	ANTICIPATED BENEFIT(S)	INNOVATION, BEST PRACTICE, BENCHMARKING
1. Upgrade Lobby Filing software to a multi-platform and web service product	Objective 1. To make reports required to be filed with the Commission available to the public within two business days of receipt.	3.1	Planned	Will provide filing community greater ease and latitude of fulfilling filing requirements	Innovation: writing one software package to accommodate multiple customer needs
2. Upgrade Campaign Finance Filing software to a multi-platform and web service product	Objective 1. To make reports required to be filed with the Commission available to the public within two business days of receipt.	3.1	Planned	Will provide filing community greater ease and latitude of fulfilling filing requirements	Innovation: writing one software package to accommodate multiple customer needs
3. Upgrade website data search capabilities	Objective 1. To make reports required to be filed with the Commission available to the public within two business days of receipt.	3.1	Current	Ease of use for public to get the information they are seeking from the data made available by the agency.	
4. Consolidation of web services into one web service	Objective 1. To make reports required to be filed with the Commission available to the public within two business days of receipt.	4.2	Planned	Better performance on web searches resulting in faster delivery of website services to the public. Replacement of outdated server with new, better performing server. Reduction in risk of equipment failure.	
5. Increase the public's ability to download data available from the agency	Objective 1. To make reports required to be filed with the Commission available to the public within two business days of receipt.	3.1	Current	Satisfy public's demand for more openness in government. Greater options for methods of data gathering for public.	

Texas Ethics Commission Strategic Planning Process

The Texas Ethics Commission is a small agency, and therefore it is not difficult to communicate the Commission's mission and goals throughout the organization. The size of the agency allows for a more informal planning process, which occurs throughout the biennium, not just during the period when the strategic plan is prepared. The Executive Director, management, and staff continuously evaluate and reevaluate the Commission's performance, direction, and progress toward its mission and goals. Additionally, the staff consistently updates the Commission's board members on progress, direction, and performance so that they may offer alternative comments or suggestions.

Planning between Executive Director and Division Directors

The executive director and division directors meet weekly to discuss issues concerning the achievement of agency goals and whether or not the strategies being used are working.

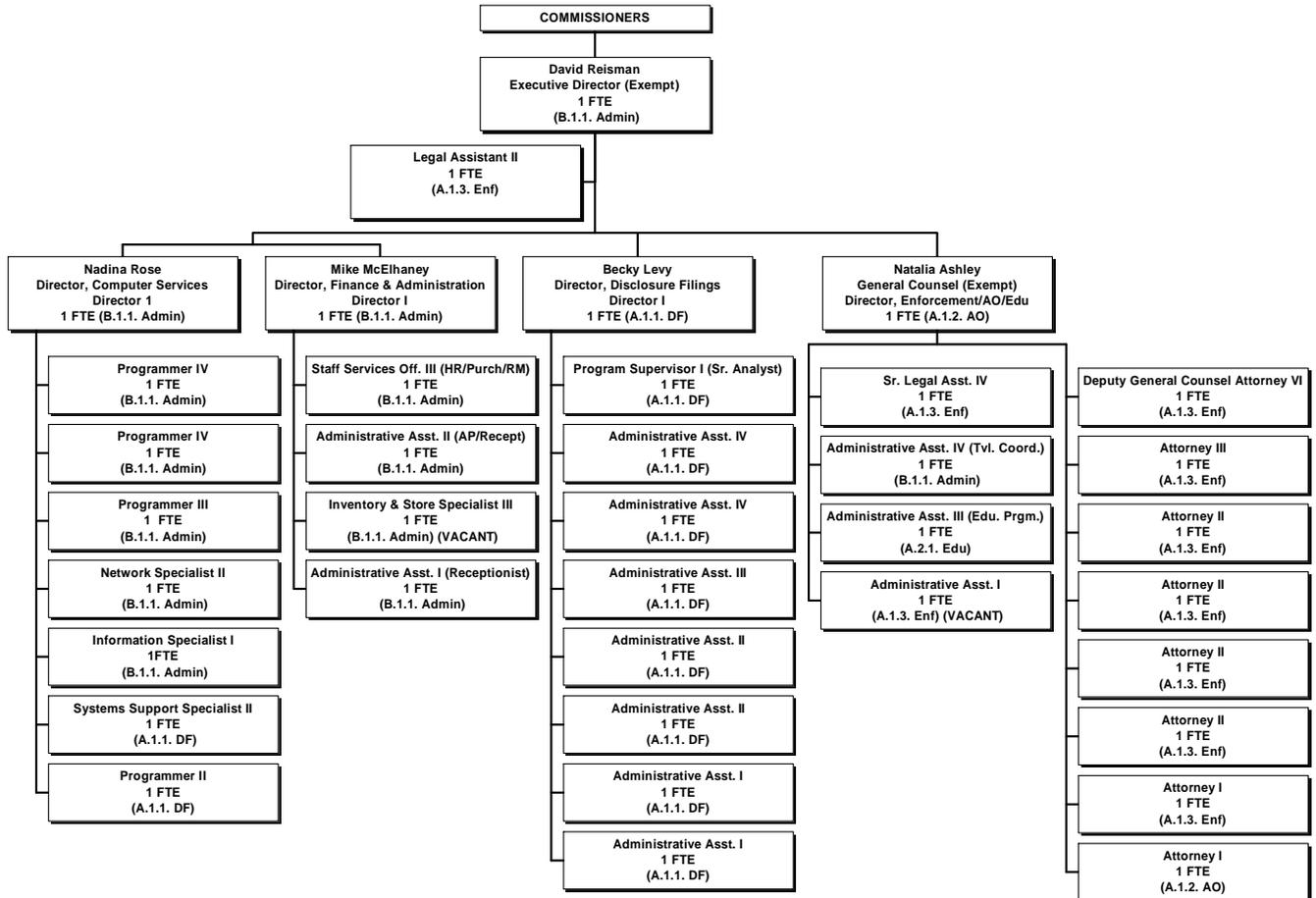
Weekly Inter-Division Planning Sessions

On the division level, staff from the Disclosure Filings, Education and Advisory Opinions, Enforcement, Computer Services, and Administration divisions meet weekly with the Executive Director to discuss problems, plan strategies, assign work, and brainstorm. The Executive Director also meets weekly with the staff from the Disclosure Filing and Legal divisions. The division director for Computer Services also attends these meetings. These DFS/Legal meetings look at specific issues pertaining to these divisions and the coordination among these divisions. The meetings are also helpful to evaluate the strategies used within the divisions to achieve the agency goals and mission. These meetings evaluate strategies at a detailed level, but not in as much detail as might be discussed within the division that implements them.

Intra-Division Planning

The planning process in the Ethics Commission is not initiated at the top levels. Often ideas and concerns are initiated at the Division staff meetings and brought to the inter-division meetings for discussion and debate. Likewise, ideas and concerns may be initiated by the Executive Director and the Commissioners and discussed at the various meeting sessions in different levels of detail.

Texas Ethics Commission
As Of 06/01/2010
Total FTEs: 37



Five-Year Projected Outcomes

Fiscal Years 2011-15

Outcome	2011	2012	2013	2014	2015
Percent of reports available for public inspection within two business days of receipt.	99%	99%	99%	99%	99%
Percent of advisory opinion requests answered by the Commission within 60 days of receipt.	75%	75%	75%	75%	75%
Percent of sworn complaints processed within five business days after filing.	100%	100%	100%	100%	100%
Percent of requests for educational presentations fulfilled.	90%	90%	90%	90%	90%
Percent of state employees reached by education program.	100%	100%	100%	100%	100%

Measure Definitions

Objective Outcome: Percent of reports available for public inspection within two business days of receipt.

Short Definition: *All reports on file with the Commission are available for public viewing. The types of reports consist of campaign finance reports, lobby registrations, lobby activities reports, and personal financial statements. Reports are considered available for public inspection after they have been logged as received into the database.*

Purpose/Importance: *The ability for the public to access information on file with the Commission is central to Goal 1. This measure indicates how quickly the public has access to this information once it is actually received by the Commission.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is calculated by a computer generated report which: 1) subtracts the date the report was received from the date the report was logged into the database; 2) determines the number of reports logged as received within two business days and the total number of reports logged as received; and 3) divides the number of reports logged as received within 2 business days by the total number of reports logged as received.*

Data Limitations: *There is no way to "re-create" the calculations for a point in time since the database is continually updated.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Higher*

KEY. Output 1: Number of reports logged within two business days of receipt.

Short Definition: *A report is considered available for public inspection after it has been logged as received into the database.*

Purpose/Importance: *This measure indicates the raw number of reports logged within two business days of receipt, which is necessary to derive the percentage of reports logged within two business days of receipt.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is calculated by a computer generated report which: 1) subtracts the date the report was logged as received from the date the report was logged into the database; and 2) counts the number of reports logged within two days or less of receipt.*

Data Limitations: *There is no way to “re-create” the calculations for a point in time since the database is continually updated.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *Higher*

Output 2: Number of reports received and processed.

Short Definition: *Number of reports logged as received into the database.*

Purpose/Importance: *This measure shows the volume of information received by the Commission and puts the outcome measure for this strategy into perspective. This number is also necessary to calculate the percentage of reports available to the public within two business days of receipt.*

Source/Collection of Data: *The data is retrieved from the Commission’s internal database.*

Method of Calculation: *This is a computer generated count of the number of reports logged as received into the database.*

Data Limitations: *There is no way to “re-create” the calculations for a point in time since the database is continually updated.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over this number.*

Explanatory/Input 1: Number of inquiries for information.

Short Definition: *This is a count of the: 1) number of requests for information (other than open record requests) received via phone, mail, or in person; and 2) the number of people who log onto the Commission’s website.*

Purpose/Importance: *Public access to the information stored by the Commission is central to Goal 1, and this measure indicates the volume of requests received by the Commission.*

Source/Collection of Data: *The data is retrieved from the Commission’s internal database.*

Method of Calculation: *This measure is a computer generated count calculated by adding: 1) the number of people who log onto the Commission's website; and 2) the number of requests received via phone, mail, or in person. The count is generated for a particular date range.*

Data Limitations: *At this time it is not possible to determine if a person accessing the Commission's website is actually doing so to gather information or doing so for some other purpose.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over the number of requests received.*

Explanatory/Input 2: Number of lobbyists registered with the Commission.

Short Definition: *Lobbyists are required to file an annual registration with the Commission and this is a count of the number registered. The registrations and fees are logged into the Commission's internal database.*

Purpose/Importance: *The number of lobbyists registered will indicate the number of lobby reports that will be filed for the year.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This is a computer generated count of the number of lobbyists who file registrations with the Commission.*

Data Limitations: *Lobbyists file on a calendar basis, so the data and calculations can be archived and re-created.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over this measure.*

Explanatory/Input 3: Number of public officials required to file reports with the Commission.

Short Definition: *This measure is a count of the number of public officials who are required to file a campaign finance report, personal financial statement, or both, with the Commission. These filers are entered into the Commission's internal database.*

Purpose/Importance: *The number of public officials required to file will indicate the number of reports that can be expected to be filed.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This is a computer generated count of the number of public officials required to file reports with the Commission.*

Data Limitations: *There is no way to "re-create" the calculations for a point in time since the database is continually updated.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over this measure.*

Explanatory/Input 4: Number of reports due filed electronically.

Short Definition: *This is a count of the number of reports filed with the Commission either directly over the Internet or by the submission of a diskette/CD.*

Purpose/Importance: *Electronic filing is a statutory requirement for certain filers. Additionally, electronic filing is much more efficient and cost effective for the state. It allows the Commission to achieve its goals at a higher level.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This is a computer generated count of the number of reports marked in the database as electronically filed.*

Data Limitations: *There is no way to "re-create" the calculations for a point in time since the database is continually updated.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over this number, however it is our intent to encourage electronic filing by making it as easy and convenient as possible.*

KEY. Objective Outcome: Percent of advisory opinion requests answered by the Commission within 60 days of receipt.

Short Definition: *An opinion request is considered received when the executive director identifies it as an advisory opinion request, assigns it an advisory opinion request number, and sends an acknowledgment letter to the requestor. Therefore the received date is the date a formal opinion request number is assigned. The acknowledgment letter to the requestor evidences receipt of the request. An opinion request is considered answered the date the advisory opinion request file*

is closed. The closing date is the meeting date the opinion is adopted or, if not adopted, the date the file is closed by the director of opinions. A file may be closed by the director of opinions for the following reasons: 1) the opinion is withdrawn by the requestor; 2) a previously issued opinion resolves the request; 3) the request will be resolved by a rule adopted by the Commission; or 4) a staff letter is sufficient in answering the request.

Purpose/Importance: *Statutorily, advisory opinion requests must be answered within 60 days. The Commission has the authority to extend this period by two 30-day periods.*

Source/Collection of Data: *The data is retrieved from an internal database.*

Method of Calculation: *This measure is calculated by dividing the total number of opinion requests answered into the number of opinion requests answered within 60 days.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Higher*

Output: Number of advisory opinions adopted by the Commission.

Short Definition: *An opinion is considered adopted the date of the meeting the Commission votes to adopt the opinion.*

Purpose/Importance: *The Commission is required by law to issue advisory opinions on request. The advisory opinions clarify the law and provide a defense to prosecution or the imposition of civil penalties for reasonable reliance.*

Source/Collection of Data: *The data is retrieved from an internal database.*

Method of Calculation: *This measure is a manual count of the number of opinions adopted by the commission.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over this measure as we have no control over the number of requests that will be received.*

KEY. Efficiency: Average time (business days) to answer advisory opinion requests.

Short Definition: *An opinion request is considered received when the executive director identifies an advisory opinion request, assigns it an advisory opinion request number, and sends an acknowledgment letter to the requestor. Therefore the received date is the date a formal opinion request number is assigned. It is evidenced by the acknowledgment letter to the requestor. An advisory opinion request is considered answered the date the advisory opinion request file is closed. The closing date is the meeting date the opinion is adopted or if not adopted, the date the file is closed by the director of opinions. A file may be closed by the director of opinions for the following reasons: 1) the opinion is withdrawn by the requestor; 2) a previously issued opinion resolves the request; 3) the request will be resolved by a rule adopted by the Commission; or 4) a staff letter is sufficient in answering the request.*

Purpose/Importance: *This is an indication of the efficiency of the Commission.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is calculated by a manual count of the total number of days to respond to a legal advisory opinion. Response time is calculated by counting the number of days between the received date and closing date. The average is then determined by dividing the total number of days to respond by the total number of requests answered.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Lower*

Explanatory/Input: Number of advisory opinion requests received.

Short Definition: *An opinion request is considered received when the executive director identifies an advisory opinion request, assigns it an advisory opinion request number, and sends an acknowledgment letter to the requestor. Therefore the received date is the date a formal opinion request number is assigned. It is evidenced by the acknowledgment letter to the requestor.*

Purpose/Importance: *This is one indication of the workload on the Commission's advisory opinion staff.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is a manual count of the number of opinion requests received.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over the number of opinion requests received.*

Objective Outcome: Percent of sworn complaints processed within 5 business days after filing.

Short Definition: *A sworn complaint is considered processed the date the notice of compliance or non-compliance is sent. The Commission must determine whether a sworn complaint is in an acceptable format according to the guidelines set by law. Once the determination of compliance or non-compliance has been made the Commission is required by law to notify in writing the complainant and respondent involved about compliance or non-compliance of the format. This notification must be sent within 5 business days of the date the complaint was filed. The date the notice is sent and the date a sworn complaint is received are recorded in a database.*

Purpose/Importance: *This measure is directly related to the Commission's Goal 1 objective to respond to sworn complaints in a timely manner.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is calculated by a computer generated report which subtracts the date the complaint is received from the date the notice of compliance or non-compliance is sent. The computer then counts how many complaints were processed within 5 business days and how many complaints total were processed. Finally, the number of complaints processed within 5 business days is divided by the total number of complaints processed.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Higher*

Output 1: Number of sworn complaints recommended for resolution.

Short Definition: *A sworn complaint is recommended for resolution when it has been sent to the Commission for review and placement on the agenda. The date a sworn complaint is sent to the Commission for review and placement on the agenda is recorded in a database.*

Purpose/Importance: *This measure is directly related to the Commission's Goal 1 objective to respond to sworn complaints in a timely manner.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is a computer generated count of the number of sworn complaints recommended for resolution.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has little control over this number.*

Output 2: Number of sworn complaints processed within 5 business days after filing.

Short Definition: *A sworn complaint is considered processed the date the notice of compliance or non-compliance is sent. The Commission must determine whether a sworn complaint is in an acceptable format according to the guidelines set by law. Once the determination of compliance or non-compliance has been made the Commission is required by law to notify in writing the complainant and respondent involved about compliance or non-compliance of the format. This notification must be sent within 5 business days of the date the complaint was filed. The date the notice is sent and the date a sworn complaint is received are recorded in a database.*

Purpose/Importance: *This measure is directly related to the Commission's Goal 1 objective to respond to sworn complaints in a timely manner.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *The number of sworn complaints processed within 5 business days is calculated by a computer generated report which subtracts the date the complaint is received from the date the notice of compliance or non-compliance is sent. The computer then counts how many complaints were processed within 5 business days.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *Higher*

KEY. Output 3: Number of sworn complaints processed.

Short Definition: *A sworn complaint is considered processed the date the notice of compliance or non-compliance is sent. The Commission must determine whether a sworn complaint is in an acceptable format according to the guidelines set by law. Once the determination of compliance or non-compliance has been made the Commission is required by law to notify in writing the complainant and respondent involved about compliance or non-compliance of the format. This notification must be sent within 5 business days of the date the complaint was filed. The date the notice is sent and the date a sworn complaint is received are recorded in a database.*

Purpose/Importance: *This measures the total workload performed by the enforcement division and puts some of the outcome percentages into perspective.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *The number of sworn complaints processed is calculated by a computer generated report which counts the number of notices sent.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission does not strive to reach any numerical goal in relation to this measure since we have no control over the number of sworn complaints received. Our desired performance is to process every sworn complaint that we receive.*

Output 4: Number of late notices sent to filers.

Short Definition: *Three possible notices can be sent in regard to a late report: 1) a preliminary late notice, 2) a late notice after 30 days, and 3) a letter of referral to the Attorney General for collection of the late penalty, and the Comptroller for warrant hold proceedings .*

Purpose/Importance: *This measure indicates the number of filers who are in possible non-compliance with the laws administered and enforced by the Commission.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is a computer generated count of the number of late notices sent to filers who have not resolved the late filing at the time the late notice is mailed out.*

Data Limitations: *This data does not account for filers who receive late notices and then subsequent waivers for the penalty.*

Calculation Type: *Cumulative*

New Measure: *No.*

Desired Performance: *The Commission has no control over the number of late notices sent.*

KEY. Efficiency 1: Average time (business days) to respond to sworn complaints.

Short Definition: *A sworn complaint is considered processed the date the notice of compliance or non-compliance is sent. For purposes of this measure “processed” is the same as “responded to.” The Commission must determine whether a sworn complaint is in an acceptable format according to the guidelines set by law. Once the determination of compliance or non-compliance has been made the Commission is required by law to notify in writing the complainant and respondent involved about compliance or non-compliance of the format.*

Purpose/Importance: *This measure is directly related to the Commission’s Goal 1 objective to respond to sworn complaints in a timely manner.*

Source/Collection of Data: *The data is retrieved from the Commission’s internal database.*

Method of Calculation: *The date the notice is sent and the date a sworn complaint is received are recorded in a database. This measure is calculated by a computer generated report which: 1) subtracts the date the complaint was received from the date the complaint was processed (responded to); 2) adds the total number of business days to process (respond to) sworn complaints; and 3) divides the total number of business days to process (respond to) sworn complaints by the number of sworn complaints processed (responded to).*

Data Limitations: *This data is very reliable.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Lower*

Efficiency 2: Average time to notify filer of late report.

Short Definition: *This is a measure of the number of business days between the date a report was due and the date the preliminary late notice is sent.*

Purpose/Importance: *This is an indication of the efficiency of the Disclosure Filings Division.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is a computer generated report that counts the number of business days between the date a report was due and the date the preliminary late notice is sent. The total number of business days to send a preliminary late notice is then divided by the number of late notices sent.*

Data Limitations: *This data does not account for reports that may be missed or for filers who may have received waivers.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *The Commission has set timeframe guidelines for sending out late letters and it is the intent to stay within those guidelines*

Efficiency 3: Average time to notify complainants and respondents of Commission determination.

Short Definition: *Once the Commission has made a determination on a proposed resolution for a sworn complaint, the Commission must notify the complainant and respondent in writing of the decision. The date of determination is the date the Commission meets for review of the complaint. This date is recorded in a database. The date the notification of determination is sent to the complainant and respondent is also recorded in the database.*

Purpose/Importance: *This measure is directly related to the Commission's Goal 1 objective to respond to sworn complaints in a timely manner.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is calculated by a computer generated report which: 1) subtracts the date of determination (resolution) from the date the notice of determination is sent; 2) adds the number of business days to notify complainants and respondents of determination; 3) divides the total number of business days to notify complainants and respondents of determination by the total number of determinations made.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Lower*

Explanatory/Input 1: Number of sworn complaints received.

Short Definition: *A sworn complaint is considered received the date it is filed. It is considered filed on the date it is assigned a sworn complaint number. To be assigned a sworn complaint number, a sworn complaint must be filed on the sworn complaint form prescribed by the Commission. The measure will be collected and maintained by agency staff.*

Purpose/Importance: *This is an indication of the workload handled by the Enforcement Division.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is a computer generated count of the number of sworn complaints received.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over the number of sworn complaints received.*

Explanatory/Input 2: Percent of filers filing timely reports.

Short Definition: *A report filed on paper or diskette/CD is considered timely filed if it is either hand-delivered, or deposited with the U.S. Post Office, or placed in the hands of a common or contract carrier properly addressed with postage and handling charges pre-paid no later than 5:00 p.m. on the deadline date. A report transmitted by Internet is considered timely filed if it is successfully transmitted in the correct format by the filing deadline.*

Purpose/Importance: *This is an indication of how effectively the Commission communicates filing information.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *To calculate this measure a computer generated count of the number of reports filed timely is divided by the number of reports due for a given deadline. The number of reports due is also a computerized count.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over the number of reports that are filed timely.*

Explanatory/Input 3: Number of late penalty payments received.

Short Definition: *This measure is a count of the number of penalty payments received.*

Purpose/Importance: *This indicates the number of penalties enforced by the Commission.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *This measure is a computer generated count of the number of penalties received in response to late filings of reports.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over the number of late penalty payments received.*

Explanatory/Input 4: Percent of sworn complaints resolved within 180 business days of receipt.

Short Definition: *A sworn complaint is considered received the date it is filed. It is considered filed on the date it is assigned a sworn complaint number. To be assigned a sworn complaint number, a sworn complaint filed with the Commission must be filed on a sworn complaint form prescribed by the Commission, and the signature of the complainant must be notarized (sworn). A sworn complaint is resolved on the date the Commission dismisses the complaint, or accepts an offer of settlement from a respondent that finally resolves the complaint, or makes a final decision that a violation occurred. This data will be collected and maintained by agency staff.*

Purpose/Importance: *This measure can only really be used for reference since the Commission has no control over the time frame for the resolution of sworn complaints.*

Source/Collection of Data: *The data is retrieved from the Commission's internal database.*

Method of Calculation: *The percentage of sworn complaints resolved within 180 days of receipt is calculated by dividing the number of sworn complaints resolved within 180 days after they were filed (received) by the total number of sworn complaints that were resolved.*

Data Limitations: *This data is very reliable.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *The Commission does not have a statutory requirement to resolve sworn complaints within 180 days. Furthermore the Commission has little control over many parts of the sworn complaint process. Much of the time spent to resolve a sworn complaint involves waiting for responses from complainants and respondents.*

Objective Outcome: Percent of state employees reached by education program.

Short Definition: *Education of state employees occurs once per year when the Commission sends an educational brochure to each state employee along with some other sort of statewide mailing (such as W2 forms) or electronically via e-mail to agency heads. The commission will try to reach all state employees through their agency of employment.*

Purpose/Importance: *This is a direct correlation to our objective to provide education to the public, regulated community, and state employees.*

Source/Collection of Data: *The Commission obtains the number of current state employees for each state agency from the Comptroller's office.*

Method of Calculation: *This measure is calculated by dividing the total number of state employees sent an educational brochure by the total number of state employees.*

Data Limitations: *This calculation assumes that the data provided to us is current and accurate. It also assumes that the information is disseminated down to all employee levels.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Higher*

Objective Outcome: Percent of requests for educational presentations fulfilled.

Short Definition: *Training on the laws administered and enforced by the Commission is provided to the public and regulated community upon request.*

Purpose/Importance: *This is a direct correlation to our objective to provide education to the public, regulated community, and state employees.*

Source/Collection of Data: *This information is entered into a spreadsheet.*

Method of Calculation: *This measure is calculated by dividing the total number of presentations made by staff by the total number of requests for educational presentations.*

Data Limitations: *Human error is a possibility.*

Calculation Type: *Non-cumulative*

New Measure: *No*

Desired Performance: *Higher*

Output: Number of educational presentations made by staff.

Short Definition: *Requests for educational presentations received by mail or telephone are recorded into a spreadsheet. Additionally, the date of the presentation, the topic, the speaker, and the number of attendees are recorded.*

Purpose/Importance: *This is a direct correlation to our objective to provide education to the public, regulated community and state employees.*

Source/Collection of Data: *Educational requests are entered into a spreadsheet.*

Method of Calculation: *Manual count of the number of educational presentations made by staff.*

Data Limitations: *Human error is a possibility.*

Calculation Type: *Cumulative*

New Measure: *No*

Desired Performance: *The Commission has no control over the number of requests for presentations that will be received.*

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I. Agency Overview

The Texas Ethics Commission was created effective January 1, 1992, by a voter-approved constitutional amendment. This amendment added Section 24a, to Article III, Legislative Department, of the Texas Constitution establishing an eight-member commission with four members appointed by the Governor, and two each by the Lieutenant Governor and the Speaker of the Texas House of Representatives. Appointees are selected from lists submitted by the Texas Senate and the Texas House of Representatives.

A. Business Functions

The Texas Ethics Commission has 37 authorized FTEs headed by an Executive Director who oversees five major divisions to accomplish the business functions and duties of the agency (See Appendix B, Organizational Chart). The Commission has both constitutional and statutory duties. Constitutionally, the Commission recommends the salary of members of the Legislature and the Lieutenant Governor, subject to approval by the voters; and sets the per diem for members of the Legislature and the Lieutenant Governor. Statutorily, the Commission is responsible for administering and enforcing the laws concerning campaign finance and political advertising; lobby activity; personal financial disclosure by state officers; the standards of conduct and conflicts of interest of state officers and employees; and several other laws regulating the reporting requirements of other state and local officials and entities.

Disclosure Filings. The Commission serves to receive and make available for public review and inspection required disclosure reports for state officials, candidates, political committees, lobbyists, political parties, party chairs, legislative caucuses, and certain district and county judicial officers. Since July 2000, campaign finance reports filed with the Commission are required by law to be filed electronically unless the filer qualifies for and claims an exemption. Since December 2004, lobbyists are required to file lobby reports electronically unless the filer qualifies for and claims an exemption. Campaign finance and lobby reports make up the majority of the reports filed electronically with the Commission. The other reports filed with the Commission are filed on paper. The Disclosure Filings Division (authorized 9 FTEs) handles the processing and maintenance of all reports received by the Commission. In addition, this division provides the public with information about and copies of disclosure reports filed with the agency; distributes blank disclosure reporting forms upon request; and collects charges for copies as authorized by law.

Advisory Opinions and Education. The Commission has the authority to issue advisory opinions about the laws under its jurisdiction, as well as Chapter 36, Penal Code, which includes the laws relating to bribery and benefits to public servants, and Chapter 39, Penal Code, which includes the laws relating to the misuse of government resources. The Commission also provides ethics training to state and local officers and employees on request, and produces educational materials and conducts training programs for other groups affected by laws administered by the Commission. The Commission has also implemented an on-line ethics training program for state officers, members of the legislature, agency

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employees, and legislative branch employees. The Advisory Opinions/Education Division is authorized 3 FTEs, with two assigned to advisory opinions and one to the education program.

Enforcement. The Commission has the authority to enforce all laws under its jurisdiction except Chapters 36 and 39, Penal Code. Thus, the Commission's enforcement jurisdiction extends to all individuals and entities filing reports with the Commission, as well as to those who file campaign finance reports with local filing authorities such as the county or city clerk or election administrator. The Commission is authorized to undertake civil enforcement actions on its own motion or in response to a sworn complaint, hold enforcement hearings, issue orders, impose civil penalties, refer matters for criminal prosecution, and deny, suspend, or rescind a lobby registration for specified reasons. A sworn complaint sets in motion a process which may include a preliminary review, a preliminary review hearing, and a formal hearing, and which permits resolution of the complaint at several points in the process. Unless an open order is issued, the Commissioners and Commission staff are required to keep the complaint confidential.

The Commission also imposes administrative penalties on filers who are late in filing reports with the Commission. This process is an administrative function and does not require a sworn complaint to be filed. The administrative process involves notifying filers that a report is late and that a penalty may be administratively assessed. Both the Executive Director and members of the Commission have the authority to waive or reduce administrative penalties for reasons specified by rule. A filer who does not pay an administrative penalty is referred to the Office of the Attorney General for collection of the penalty and to the Comptroller of Public Accounts to initiate the warrant-hold process. The Enforcement Division (authorized 10 FTEs) handles all regulatory functions in addition to providing legal counsel to the agency on daily operational matters. The legal staff is also available to assist callers and visitors to the agency who have questions about any of the laws under the Commission's jurisdiction.

Administration. The Administration Division (authorized 7 FTEs, including the Executive Director) handles the business functions of the agency. It provides the primary support for the Commission with respect to accounting and budgeting, purchasing, travel, human resources and payroll, secretarial and reception duties, building and equipment maintenance, risk and safety management, and mail services and inventory control.

Computer Services. The Computer Services Division (authorized 8 FTEs) maintains the Commission's technology infrastructure, the electronic filing system and database, and the agency website. This division also provides technical support to filers who are required to file reports electronically with the Commission, prepares reports in response to open records requests for data from electronically filed reports, and assists staff with computer applications.

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B. Agency Mission

The mission of the Texas Ethics Commission as mandated in the state constitution is to promote public confidence in electoral and governmental processes by enforcing and administering applicable laws as well as training state officials, candidates for state office, and state employees on those laws governing standards of conduct, personal financial disclosure, lobby registration and activities, political contributions and expenditures, and political advertising.

C. Agency Strategic Goals and Objectives

GOAL 1: Information on Government. To increase the public's ability to access information about public officials, candidates for public office, and persons attempting to influence public officials and elections, and to assist people in understanding their responsibilities under the laws administered by the Commission, thereby enhancing the potential for individual participation in government.

Objective: To make reports required to be filed with the Commission available to the public within two business days of receipt; to present advisory opinion requests to the Commission within 60 days; and to respond to sworn complaints within five business days after filing.

Strategy I: Information Filing. Serve as the repository for information statutorily required to be filed with the Commission and assist persons in accessing that information.

Strategy II: Advisory Opinions. Aid the public and those subject to the laws administered and enforced by the Commission in complying with and understanding those laws by responding quickly, accurately, and impartially to advisory opinion requests.

Strategy III: Enforcement. Enforce compliance with laws administered by the Commission by responding quickly and impartially to sworn complaints, by performing investigations where advisable, and by assessing penalties for late reports.

Objective: To reach state employees with educational materials and to fulfill requests for educational presentations.

Strategy: Ethics Education Program. To educate the public, state employees, local government employees, and those subject to the laws administered and enforced by the Commission by responding to requests for information about the application of ethics laws, by making public presentations, by prescribing clear reporting forms and guidelines, by making educational materials broadly available, and by recommending campaign finance and ethics law changes to the Legislature.

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GOAL 2: Indirect Administration. Provide the Administration and Information Technology functions of the agency. This includes establishing and carrying out policies governing purchasing and contracting that foster meaningful and substantive inclusion of historically underutilized businesses.

Objective: To include historically underutilized businesses (HUBs) in at least 20 percent of the total value of contracts and subcontracts awarded annually by the agency in purchasing and contracting.

Strategy: Indirect Administration. Provide the business and information technology functions of the agency. Develop and implement a plan for increasing the use of historically underutilized businesses through purchasing contracts and subcontracts.

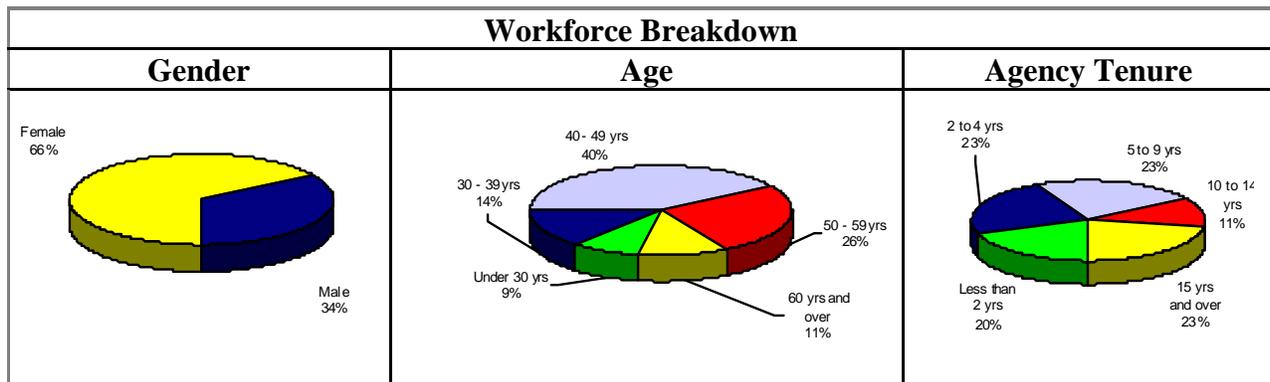
D. Anticipated Changes to Mission, Goals, and Strategies over the Next Five Years

The Texas Ethics Commission does not anticipate any significant changes to its mission, goals, and strategies over the next five years.

II. Current Workforce Profile (Supply Analysis)

A. Demographic Information

The following chart profiles the Texas Ethics Commission’s total workforce as of June 1, 2010. The Commission’s workforce is comprised of 65.7 percent females and 34.3 percent males. Over 77 percent of our employees are over the age of 40. More than 42 percent of employees have less than five years of agency service. This percentage indicates the need for continuing strong training programs to ensure our employees get up to speed as quickly as possible.



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The following table compares the percentage of African American, Hispanic, and Female Commission employees (as of June 1, 2010) to the State Agencies Workforce Composition as reported by the Texas Workforce Commission Civil Rights Division. The Commission has been working to meet various diversity targets, among which are Hispanic and Female positions. In these two categories, the agency has exceeded the total state agencies workforce statistics.

There are several categories of under-represented classes that the Commission should address: particularly African Americans in Administration Officials and Technical positions; Hispanics in Technical positions; and females in Professional and Technical positions. Through its recruitment plan, the Commission will continue to strive to maximize the number of qualified minority, disabled, and female applicants for available positions within all job categories.

Workforce Breakdown by Under-Represented Class						
Job Category	African American		Hispanic American		Females	
	TEC %	State %	TEC %	State %	TEC %	State %
Officials, Administration	0%	9.1%	33.3%	12.8%	66.7%	49.3%
Professional	16.7%	11.3%	22.2%	14.9%	44.4%	55.1%
Technical	0%	15.3%	0%	20.7%	33.3%	52.1%
Administrative Support	12.5%	19.5%	37.5%	27.5%	81.3%	88.1%
Skilled Craft	0%	7.9%	0%	24.4%	0%	4.5%
Service and Maintenance	0%	30.1%	0%	24.7%	0%	52.7%
Total	8.6%	17.5%	28.6%	19.8%	65.7%	56.4%

B. Agency Turnover

Turnover is an important issue in any organization, and the Texas Ethics Commission is no exception. The following charts show the Commission's turnover rate compared to the state percentages, as well as a breakdown of the turnover data according to the length of agency service and age of the separating employees.

Turnover Rates: Over the past five years, the Commission's turnover rate has averaged 14.9% which is slightly below the statewide five year average of 16.4%. Of the 8 employees who terminated in the past two fiscal years, 62.5% did not transfer directly to another state agency, thus the Commission paid their accrued vacation leave totaling \$23,621.

Year	TEC %	State %
Fiscal Year 2005	18.4%	16.9%
Fiscal Year 2006	5.8%	15.8%
Fiscal Year 2007	26.2%	17.4%
Fiscal Year 2008	9.1%	17.3%
Fiscal Year 2009	14.8%	14.4%

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Length of Service: The greatest area of turnover for the Commission has been with employees who have less than four years of experience. This group accounted for 63.2% of the turnover over the past four years.

Agency Service Before Separation	Number of Terminations				Overall %
	FY2006	FY2007	FY2008	FY2009	
Less than 2 years	0	4	1	1	31.6%
2-4 years	2	2	1	1	31.6%
5-9 years	0	1	0	2	15.8%
10-14 years	0	2	1	1	21.0%
15 years and over	0	0	0	0	0.0 %

Age: Over the last four years, the largest age group of employees to leave the Commission has been in the 50 and over year group. The majority of these positions were either professional or technical with the individuals seeking greater career opportunities.

Age of Employee Upon Separation	Number of Terminations				Overall %
	FY2006	FY2007	FY2008	FY2009	
Under 30 years	0	1	0	0	5.3%
30-39 years	2	2	1	0	26.3%
40-49 years	0	3	0	2	26.3%
50 years and over	0	3	2	3	42.1%

C. Retirement Eligibility and Employee Attrition Rate Over the Next Five Years

Four of the Commission's current employees are now eligible for retirement and three more will become eligible within the next five years. This represents 20.0% of the total workforce, with many of these employees occupying key positions within the agency. For this reason, it is important for the Commission to ensure that this organizational knowledge and expertise is not lost. Based on past turnover trends, the projected attrition rate will be a loss of four employees per fiscal year, of which at least one to two of those will be a retiree.

D. Workforce Skills Critical to Agency Mission and Goals

The Texas Ethics Commission is fortunate to have a staff that ranges broadly in training and experience. It is necessary in a small agency to have a staff that is diverse in skills because often employees are asked to perform more than one job function. There are several critical skills that are important to the Commission's ability to operate. Without the skills listed below, the Commission could not provide basic business functions to accomplish its strategic mission and goals:

- Customer service
- Collaborating and communicating with others
- Interpreting legal statutes

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- Conducting investigations
- Reviewing, analyzing, and processing data files
- Interpreting computer programs
- Developing and maintaining a database
- Providing ethics training
- Designing and distributing informational materials
- Administering and maintaining a network infrastructure

III. Future Workforce Profile (Demand Analysis)

A. Critical Functions Required to Achieve the Strategic Plan

- Receive and maintain information required to be filed with the Commission, both electronically and in hard copy, and assist persons in accessing that information.
- Respond quickly, accurately, and impartially to advisory opinion requests.
- Enforce compliance with laws administered by the Commission by responding quickly and impartially to sworn complaints, performing investigations, and assessing penalties for violations.
- Educate the public, state employees, and those subject to the laws administered and enforced by the Commission.
- Implement a plan for increasing the use of historically underutilized businesses through purchasing contracts and subcontracts.

B. Expected Workforce Changes

The Texas Ethics Commission does not anticipate any changes that will significantly affect the core functions of the Commission. There are other possible developments, however, that the Commission must be aware of as it prepares its workforce for the future.

Legislative Changes: The passage during the 76th Legislature of HB 2611, which requires certain filers to submit their campaign finance reports electronically, continues to have a major impact on the Commission. Passage of HB 1606 in the 78th Legislature changed and broadened the scope of electronic filing and it is anticipated that the demands associated with the electronic submission, storage, and retrieval of information will continue to increase.

Currently, there are 8,292 filers with the Commission. Candidates and officeholders numbering 1,277 individuals and 2,276 political committees file campaign finance reports with the Commission, most of which are required by law to be filed electronically. The 1,439 lobbyists currently registered with the Commission who file lobby registration and activities reports are also required to file electronically. The approximately 3,300 state officers

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who file personal financial statements continue to file on paper at this time. There are 4,441 local filing authorities that the Commission communicates with, but are not counted as filers. If future legislation is passed requiring more filers to file reports using an electronic format, the Commission could be required to develop new software and make enhancements to existing systems. This would most likely require a reorganization of the computer services staff to handle the increased programming workload. Additional technical training would also be needed to ensure that the staff has the knowledge and skills necessary to perform additional duties.

B. Future Workforce Skills Needed

Over the next five years, the Texas Ethics Commission will be able to fulfill its mission and strategies and continue to function effectively and efficiently by maintaining the critical workforce skills listed earlier. If some of the legislative and technological changes occur, the Commission could require an increase in computer skills such as web design and programming.

C. Anticipated Increase/Decrease in the Number of Employees Needed

None. However, if future legislation broadens the scope of electronic filing, the increased workload would most likely require an increase in FTEs. Another issue that affects the Commission's workforce is the volume of sworn complaints. Current staff levels are deemed sufficient for the current and next biennium to handle the number of sworn complaints filed with the Commission.

IV. Gap Analysis

A. Anticipated Surplus/Shortage of Employees

After analyzing the workforce information, the Texas Ethics Commission has determined that the agency has a sufficient number of employees to accomplish the agency's current mission, goals, and strategies. However, if legislation is enacted that further expands the electronic filing requirements or if the volume of sworn complaint filings increases, the Commission may require an increase in FTEs.

B. Anticipated Surplus/Shortage of Skills

The Texas Ethics Commission analyzed its workforce proficiency based on the critical workforce skills listed earlier. Each occupational group was rated on its current proficiency level and its desired proficiency level, using a scale from 0 (No Knowledge) to 3 (Professional Knowledge). Then the difference, or "gap," between the current and future skill levels was determined, with results ranging from 0 (No Gap) to 3 (Potential Problem).

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The results shown in the table below indicate that the Commission anticipates no significant gaps or excesses in skill competency levels over the next five years.

Gap Analysis of Workforce												
Skill	Officials/Admin			Professional			Technical			Ad Sup/Para-prof		
	Have	Need	Gap	Have	Need	Gap	Have	Need	Gap	Have	Need	Gap
Customer Service	3	3	0	3	3	0	3	3	0	3	3	0
Collaboration	3	3	0	3	3	0	3	3	0	3	3	0
Interpreting Statutes	3	3	0	3	3	0	1	1	0	2	2	0
Conducting Investigations	3	3	0	3	3	0	0	0	0	1	1	0
Processing Data Files	1	1	0	1	1	0	3	3	0	2	2	0
Develop/Maintain Database	1	1	0	0	0	0	3	3	0	0	0	0
Training	2	2	0	3	3	0	2	2	0	2	2	0
Designing Materials	0	0	0	3	3	0	3	3	0	2	2	0

Legend

Have = Avg. competency level for current employees in job category

Need = Avg. competency level needed for future employees in job category

0 = No knowledge

1 = Minimal knowledge, familiarity with skill

2 = Working knowledge, proficiency in skill

3 = Professional knowledge, mastery of skill

Gap = Difference in skill level between current and future competency levels

0 = No gap

1 = Minimal gap

2 = Some gap

3 = Problem gap

V. Strategy Development

A. Specific Goals to Address Workforce Competency Gap/Surplus

The Texas Ethics Commission has determined that there are no anticipated gaps or surpluses in workforce numbers or skills for the next five years. However, the Commission will continue to monitor its current workforce and adapt, as needed, to handle any unexpected changes in its mandates.

Based on the analysis of current workforce demographics, there are several issues that the Commission will continue to focus on in order to keep a competent and knowledgeable workforce that is able to accomplish its strategic mission and goals:

- The Commission will continue to follow its recruitment plan to maximize the number of qualified minority, disabled, and female applicants for available positions within all job categories.

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- When new employees are hired, the Commission will ensure that they are trained quickly and adequately so that they get up to speed as quickly as possible.

- The Commission will work to keep its turnover rate lower than the State average by continuing to conduct exit interviews, offer the State On-line Exit Survey to voluntarily separating employees, and assess the results to identify retention issues. As the agency foresees losing more employees to retirement over the next few years, the Commission will continue to document business processes and procedures and cross-train employees to ensure that organizational knowledge is retained.