

XI. ADDITIONAL INFORMATION

A. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was in place. If the list is longer than one page, please include it as an attachment.

Please See Appendix B.

Alternate Exhibit Provided for Section XI. Item A

B. Has the agency implemented statutory requirements to ensure the use of “first person respectful language”? Please explain and include any statutory provisions that prohibits these changes.

Section 531.0227 of the Government Code requires the Executive Commissioner to ensure that HHSC and the HHS System agencies “use the terms and phrases listed as preferred under the person first respectful language initiative in Chapter 392 [of the Government Code] when proposing, adopting, or amending the commission’s or agency’s rules, reference materials, publications, and electronic media.” Section 531.0227 was effective September 1, 2011.

This statutory directive has been implemented at HHSC, both through the Executive Commissioner’s instructions to HHSC and the HHS System agencies and through HHSC’s own work developing or revising agency materials. Specific examples include the following.

Guidance Memorandum

The Executive Commissioner issued Health and Human Services (HHS) Guidance Memorandum GM-12-002, Person First Respectful Language in Communications, in December 2011. In it, the Executive Commissioner directs each agency to use appropriate person first terms and phrases when proposing, adopting, or amending agency rules, reference materials, publications, and electronic media. Executive management at HHSC and the HHS System agencies was notified directly of GM-12-002. In addition, the release of GM-12-002 was featured in The Connection, the HHS System newsletter available to staff at HHSC and the HHS System agencies. GM-12-002 was last updated in January 2013.

Communications to Staff

The Connection highlighted the legislation underlying section 531.0227 – House Bill 1481, 82nd Legislature, Regular Session, 2011 – and noted efforts of DADS and other agencies to encourage person first respectful language. A second article noted the passage of H.B. 1481 and the new requirements for HHSC and the HHS System agencies.

Rule Review

Staff uses rule drafting guidelines that include a specific reference to H.B. 1481 and examples of person first respectful language. As HHSC develops new rules or proposes to amend existing rules, the originating program and legal staff review to ensure the use of preferred terms.

HHS Style Guide

HHSC's Communications staff updated the HHS Style Guide for Consumer Materials to include instructions on the use of person first respectful language. The style guide is intended to ensure consistency in the materials written for consumers of HHS services by the agency or contractors providing those services. Medicaid managed care organizations, for example, are required by HHSC's Uniform Managed Care Manual to use the style guide in writing marketing or other materials for their members.

HHSC has not encountered any statutory prohibition on using person first respectful language.

Following upon the guidance from HHSC, DFPS has applied person-first language in the editing process of new websites and agency publications for many years. The Office of Communications applies these principles to each webpage and document edited. However, the DFPS website contains older historical reports and documents that do not contain person first language and for which editing would be impractical and in some cases inappropriate.

In addition, DFPS policy editors apply person-first language when editing new or revised policy for publication. A systematic review of all handbooks and operating policies to confirm the application of person-first language began in September 2011 and was completed in July 2013. Approximately 20 handbooks and 86 operating policies have been confirmed to contain person-first language.

C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

| Department of Family and Protective Services | | |
|---|----------------|----------------|
| Exhibit 15: Complaints Against the Agency — Fiscal Years 2011 and 2012 | | |
| | FY 2011 | FY 2012 |
| Number of complaints received | 3,783 | 4,734 |
| Number of complaints resolved | 3,826 | 4,691 |
| Number of complaints unsubstantiated and unable to substantiate | 2,280 | 2,236 |

| Department of Family and Protective Services Exhibit 15: Complaints Against the Agency — Fiscal Years 2011 and 2012 | | |
|--|------------------|------------------|
| | FY 2011 | FY 2012 |
| Number of complaints pending from prior years | 57 | 14 |
| Average time period for resolution of a complaint | 16 business days | 18 business days |

D. Fill in the following chart detailing your agency's Historically Underutilized Business (HUB) purchases.

| Department of Family and Protective Services Exhibit 16: HUB Data - Fiscal Year 2010 | | | | | |
|---|-----------------------|---------------------------|----------------|-------------------------------|-----------------------|
| Category | Total \$ Spent | Total HUB \$ Spent | Percent | Agency Specific Goal * | Statewide Goal |
| Heavy Construction | | 0 | 0 | | 11.9% |
| Building Construction | | 0 | 0 | | 26.1% |
| Special Trade | 8,101 | 195 | 2.40% | 57.2% | 57.2% |
| Professional Services | 2,034,674 | 0 | 0 | 20.0% | 20.0% |
| Other Services | 37,460,177 | 10,305,946 | 27.5% | 33.0% | 33.0% |
| Commodities | 13,885,850 | 8,792,620 | 63.4% | 12.6% | 12.6% |
| TOTAL | 53,358,804 | 19,098,761 | 35.7% | | |

| Fiscal Year 2011 | | | | | |
|-----------------------|-------------------|--------------------|--------------|-------------|----------------|
| Category | Total \$ Spent | Total HUB \$ Spent | Percent | Agency Goal | Statewide Goal |
| Heavy Construction | | 0 | 0 | | 11.9% |
| Building Construction | | 0 | 0 | | 26.1% |
| Special Trade | 36,929 | 0 | 0 | 57.2% | 57.2% |
| Professional Services | 4,245,952 | 0 | 0 | 20.0% | 20.0% |
| Other Services | 45,034,182 | 11,875,522 | 26.37 | 33.0% | 33.0% |
| Commodities | 9,701,251 | 5,875,456 | 60.56 | 12.6% | 12.6% |
| TOTAL | 59,018,316 | 17,751,010 | 30.08 | | |
| Fiscal Year 2012 | | | | | |
| Category | Total \$ Spent | Total HUB \$ Spent | Percent | Agency Goal | Statewide Goal |
| Heavy Construction | | 0 | 0 | | 11.2% |
| Building Construction | | 0 | 0 | | 21.1% |
| Special Trade | 17,208 | 0 | 0 | | 32.7% |
| Professional Services | 1,210,153 | 0 | 0 | | 23.6% |
| Other Services | 31,169,551 | 6,143,410 | 19.71 | 24.6% | 24.6% |
| Commodities | 10,767,270 | 7,495,685 | 69.62 | 21.0% | 21.0% |
| TOTAL | 43,164,184 | 13,639,096 | 31.60 | | |

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)

Yes, the Department of Family and Protective Services (DFPS) has a policy on the use of Historically Underutilized Businesses (HUBs). DFPS has adopted the Texas Comptroller of Public

Accounts (CPA) HUB rules by reference. The policy mandates that DFPS shall make a good faith effort to utilize HUBs or minority businesses in contracts for construction, services, and commodities; and to encourage the use of HUBs by implementing these policies through race-, ethnic-, and gender-neutral means.

DFPS is committed to promoting full and equal business opportunities for all businesses in state contracting in accordance with the goals specified in the State of Texas Disparity Study, which were effective September 14, 2011.

1. *11.29 percent for heavy construction other than building contracts;
2. *21.1 percent for all building construction, including general contractors and operative builders contracts;
3. 32.7 percent for all special trade construction contracts;
4. 23.6 percent for professional services contracts;
5. 24.6 percent for all other services contracts; and
6. 21.0 percent for commodities contracts.

*During fiscal years 2008, 2009 and 2010 heavy construction and building construction categories/goals were not applicable to the DFPS operations. DFPS does not have programs or strategies related to these categories.

DFPS and its contractors shall make a good faith effort to meet or exceed the goals and assist HUBs in receiving a portion of the total contract value of all contracts that DFPS expects to award in a fiscal year. It is the policy of DFPS to accomplish these goals either through contracting directly with HUBs or indirectly through subcontracting opportunities. DFPS' policy on the utilization of HUBs is related to all contracts with an expected value of \$100,000 or more, and whenever practical, in contracts less than \$100,000.

In order to address performance shortfalls, DFPS monitors its contracts on a monthly basis to determine the level of HUB and minority participation. DFPS strives to eliminate shortfalls by analyzing the expenditures and payments made to its vendors, improve the expertise of DFPS program/division staff in evaluating contract opportunities for HUBs or minority firms, and assist each Program/Division to implement good faith efforts to meet or exceed the goals. Because most of DFPS' contracts are highly specialized, DFPS is continuously demonstrating its commitment to the use of HUBs by:

- attending and co-sponsoring HUB vendor fairs;
- identifying and developing opportunities for HUBs;
- identifying potential HUB vendors who can provide the types of goods and services required by DFPS;
- recruiting new HUBs/minority vendors for potential opportunities in the procurement categories where there has been minimal contracting opportunities;
- offering HUBs assistance and training regarding state procurement procedures;

- advising HUBs of available state contracts;
- assisting and soliciting minority firms for current and new contract opportunities;
- advising HUBs to apply for registration on the CPA Centralized Master Bidders List (CMBL); and
- encouraging minority firms to become and maintain their certification status with the CPA as a HUB and a registered bidder on the CMBL, which also increases competition for the DFPS' contracts.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)

Yes, DFPS has an established process to ensure consideration is given to HUB goals when the agency enters into a contract with an expected value of \$100,000 or more. DFPS makes a determination whether or not subcontracting opportunities are probable under the contract before DFPS solicits bids, proposals, offers, or other applicable expressions of interest. DFPS HUB office reviews the solicitation document before advertisement to ensure the following.

- It allows for the greatest amount of competition possible.
- The bonding and insurance requirements are reasonable.
- It lists potential subcontracting opportunities.
- It lists the HUB percentage participation goal.
- It lists the prime contractor's performance requirements related to the HUB program.
- It includes in the HUB subcontracting plan.

In addition, the DFPS HUB office works with the division/program staff to establish a comprehensive HUB subcontracting plan that includes:

- reviewing the HUB subcontracting plan requirements during the pre-proposal conference;
- how and when the HUB compliance screens will occur after responses are received;
- post award meetings with the selected vendor which details the vendor performance expectations related to fulfilling the HUB requirements of the contract; and
- ongoing progress assessment monitoring to ensure the vendor maintains the agreed upon HUB participation percentage commitment.

During the solicitation process, all bidders or proposers are required to make a good faith effort to meet or exceed the HUB goals and submit a HUB subcontracting plan when applicable. If a

good faith effort is not made or a subcontracting plan is not submitted or is incomplete, the proposal/bid will be disqualified. If subcontracting will be used and a HUB is not a participating subcontractor, then the vendor will be required to demonstrate what effort was made to solicit a certified HUB subcontractor. If the subcontractor selected is not a Texas-certified HUB, the respondent must provide written justification of their selection process. After an evaluation of the HUB subcontracting information, the DFPS' HUB Program Coordinator determines whether the bidder made a good faith effort. DFPS utilizes the CPA HUB directory for the inclusion of HUBs in its contract opportunities.

In addition to the above efforts, the HHSC centralized Enterprise Contracts and Procurement Services (ECPS) Division (Purchasing Section) which conducts all administrative purchasing for DFPS makes a good faith effort to ensure HUBs are included in the procurement solicitations and resulting Purchase Order and Contracting processes.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

| HUB Question | Response / Agency Contact |
|---|---|
| <p>1. Do you have a HUB coordinator? (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)</p> | <p>Yes, Procurement Director/DFPS HUB Program Coordinator: VACANT POSITION HUB Program Administrator: Joy Simmons 4405 North Lamar Blvd., Bldg. #1 Austin, Texas 78756 Phone (512) 206-4618 Fax (512) 206-4605 joy.simmons@hhsc.state.tx.us</p> |
| <p>2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)</p> | <p>Yes, DFPS and the Health and Human services agencies conduct an internal HUB forum on a monthly basis where HUB vendors are invited to attend and give a presentation on their products, staff, and core capabilities. We also discuss potential contracting opportunities with the vendors. DFPS invites procurement, program, HUB staff, and related decision-makers to attend these forums.</p> |
| <p>3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to</p> | <p>Yes, DFPS has a mentor-protégé program. DFPS has sponsored three (3) mentor-protégé agreements thus</p> |

| HUB Question | Response / Agency Contact |
|---|--|
| increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28) | far and continues to seek additional mentor-protégé relationships. |

H. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics.

The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

| Department of Family and Protective Services Exhibit 17: Equal Employment Opportunity Statistics | | | | | | | |
|---|----------------|-------------------------------|----------------------|----------|----------------------|--------|----------------------|
| Fiscal Year 2009 | | | | | | | |
| Job Category | Total Position | Minority Workforce Percentage | | | | | |
| | | Black | | Hispanic | | Female | |
| | | Agency | Civilian Labor Force | Agency | Civilian Labor Force | Agency | Civilian Labor Force |
| Officials/ Administration | 161 | 14.9% | 7.5% | 17.4% | 21.1% | 75.2% | 37.5% |
| Professional | 2,758 | 22.3% | 9.7% | 22.4% | 18.8% | 76.5% | 53.3% |
| Technical | 406 | 27.1% | 13.9% | 25.1% | 27.7% | 78.3% | 53.9% |
| Administrative Support | 1,341 | 25.6% | 12.7% | 37.1% | 31.9% | 96.0% | 67.1% |
| Service Maintenance | 6,229 | 29.8% | 14.1% | 26.4% | 49.9% | 84.4% | 39.1% |
| Skilled Craft | 1 | 0.0% | 6.6% | 0.0% | 46.3% | 100.0% | 6.0% |

-Source Data: Fiscal Year 2009 from Human Resources/PeopleSoft 08/31/2009

-The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

-Civilian Labor Force Figures from Texas Workforce Commission

**Department of Family and Protective Services
Exhibit 17: Equal Employment Opportunity Statistics**

Fiscal Year 2010

| Job Category | Total Position | Minority Workforce Percentage | | | | | |
|---------------------------|----------------|-------------------------------|----------------------|----------|----------------------|--------|----------------------|
| | | Black | | Hispanic | | Female | |
| | | Agency | Civilian Labor Force | Agency | Civilian Labor Force | Agency | Civilian Labor Force |
| Officials/ Administration | 183 | 16.4% | 7.5% | 21.3% | 21.1% | 76.5% | 37.5% |
| Professional | 1,386 | 18.5% | 9.7% | 23.1% | 18.8% | 67.5% | 53.3% |
| Technical | 408 | 28.7% | 13.9% | 24.8% | 27.7% | 80.4% | 53.9% |
| Administrative Support | 1,294 | 25.8% | 12.7% | 38.3% | 31.9% | 95.4% | 67.1% |
| Service Maintenance | 7,845 | 28.4% | 14.1% | 26.6% | 49.9% | 84.6% | 39.1% |
| Skilled Craft | 1 | 0.0% | 6.6% | 0.0% | 46.3% | 100.0% | 6.0% |

-Source Data: Fiscal Year 2010 from Human Resources/PeopleSoft 08/31/2010

-The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

-Civilian Labor Force Figures from Workforce Commission

**Department of Family and Protective Services
Exhibit 17: Equal Employment Opportunity Statistics**

Fiscal Year 2011

| Job Category | Total Position | Minority Workforce Percentage | | | | | |
|---------------------------|----------------|-------------------------------|----------------------|----------|----------------------|--------|----------------------|
| | | Black | | Hispanic | | Female | |
| | | Agency | Civilian Labor Force | Agency | Civilian Labor Force | Agency | Civilian Labor Force |
| Officials/ Administration | 178 | 19.1% | 8.99% | 20.2% | 19.5% | 75.8% | 39.4% |
| Professional | 1,362 | 19.2% | 11.33% | 23.1% | 17.4% | 67.4% | 59.14% |
| Technical | 396 | 28.3% | 14.16% | 25.3% | 21.63% | 81.8% | 41.47% |
| Administrative Support | 1,195 | 26.9% | 13.57% | 38.0% | 30.53% | 95.3% | 65.52% |
| Service Maintenance | 7,483 | 28.9% | 14.68% | 27.2% | 48.18% | 84.6% | 40.79% |
| Skilled Craft | 1 | 0.0% | 6.35% | 0.0% | 47.44% | 100.0% | 4.19% |

-Source Data: Fiscal Year 2011 from Human Resources/PeopleSoft 08/31/2011

-The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

-Civilian Labor Force Figures from 2011-2012 EEO and Minority Hiring Practices Report prepared by Workforce Commission, 01/2013

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Yes. Chapter 16, Equal Employment Opportunity, of the HHS HR Manual contains employment (EEO) policy for all system agencies. Employees who violate the HHS System policy on equal employment are subject to disciplinary action, including termination.