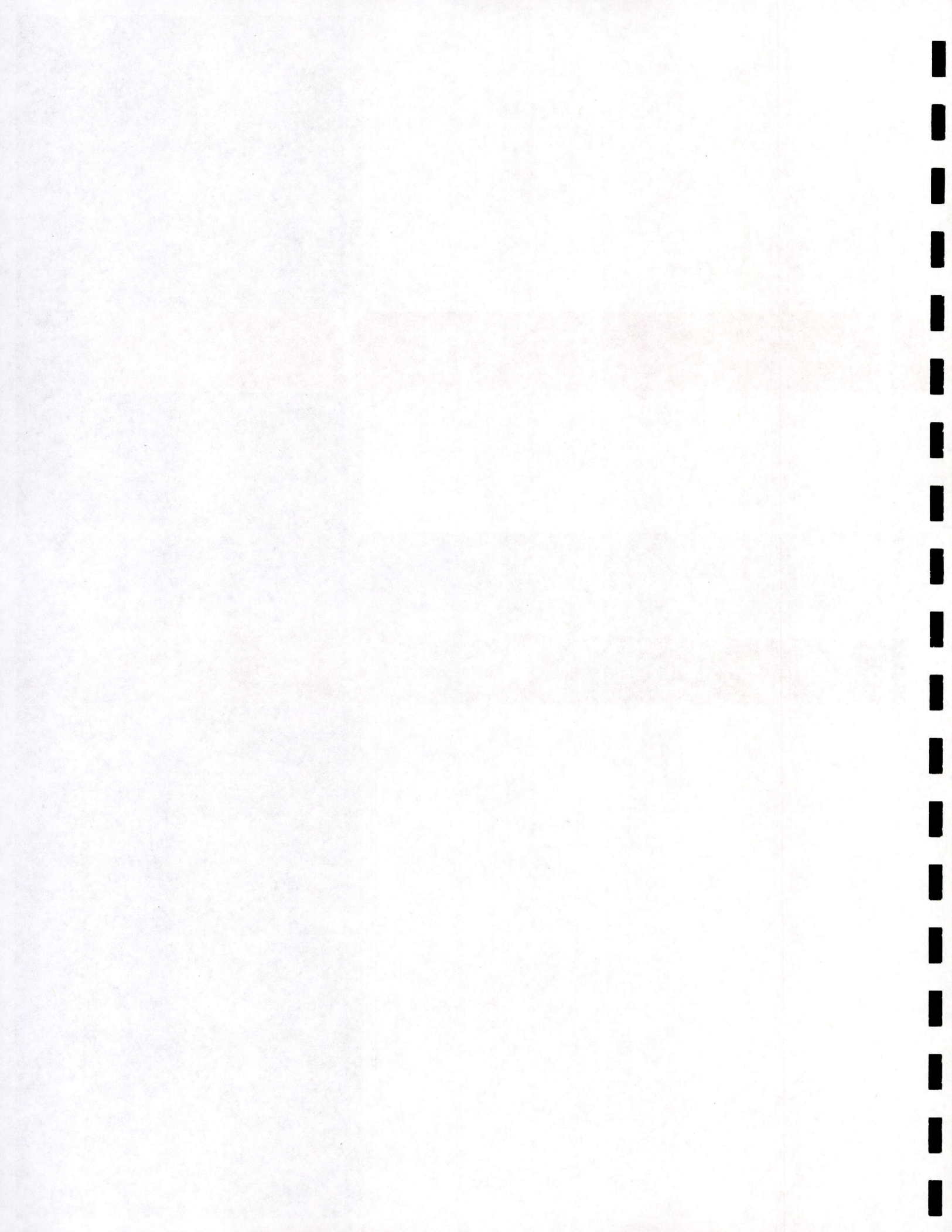


# STRATEGIC PLAN



TEXAS BOARD OF PROFESSIONAL  
GEOLOGISTS

2015-2019





# Strategic Plan

## FOR THE FISCAL YEARS 2015-2019

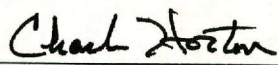
BY

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

| <u>Board Members</u>                              | <u>Dates of Terms</u> | <u>Hometown</u> |
|---|-----------------------|-----------------|
| Charles Knobloch, P.G., J.D., <i>Chairman</i>     | 2009-2015             | Houston         |
| C. Thomas Hallmark, P.G., <i>Vice-Chairman</i>    | 2007-2019             | Hearne          |
| Kelly Krenz-Doe, P.G., <i>Secretary/Treasurer</i> | 2001-2015             | Houston         |
| Gregory C. Ulmer, J.D.                            | 2011-2017             | Houston         |
| Becky Johnson, P.G.                               | 2011-2017             | Fort Worth      |
| Christopher Mathewson, P.G., P.E., PhD            | 2012-2017             | College Station |
| Joseph P. DeWoody                                 | 2013-2019             | Fort Worth      |
| W. David Prescott, II, P.G.                       | 2013-2019             | Amarillo        |

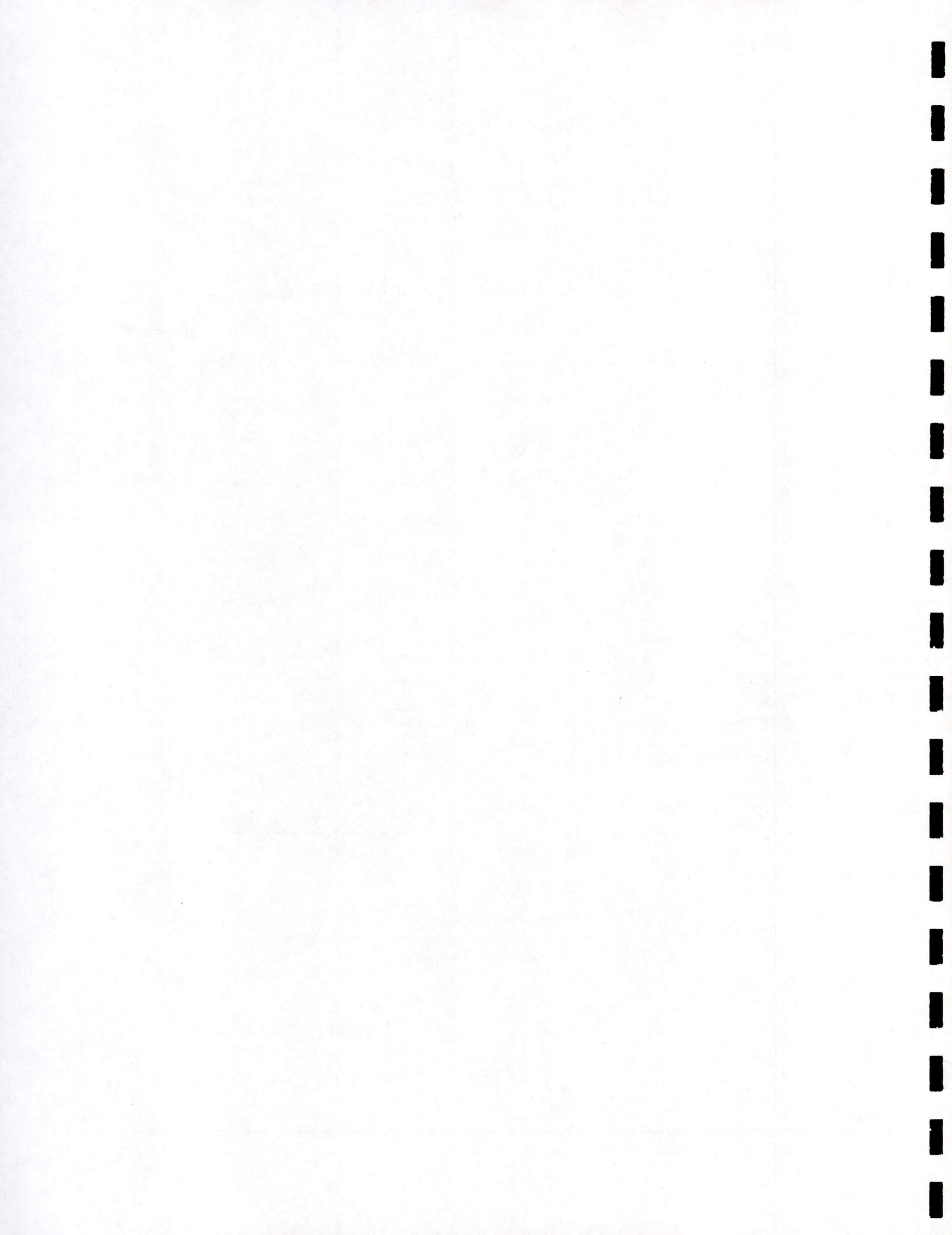
Date of Submission: June 23, 2014

SIGNED:

  
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Charles Horton, Executive Director

APPROVED:

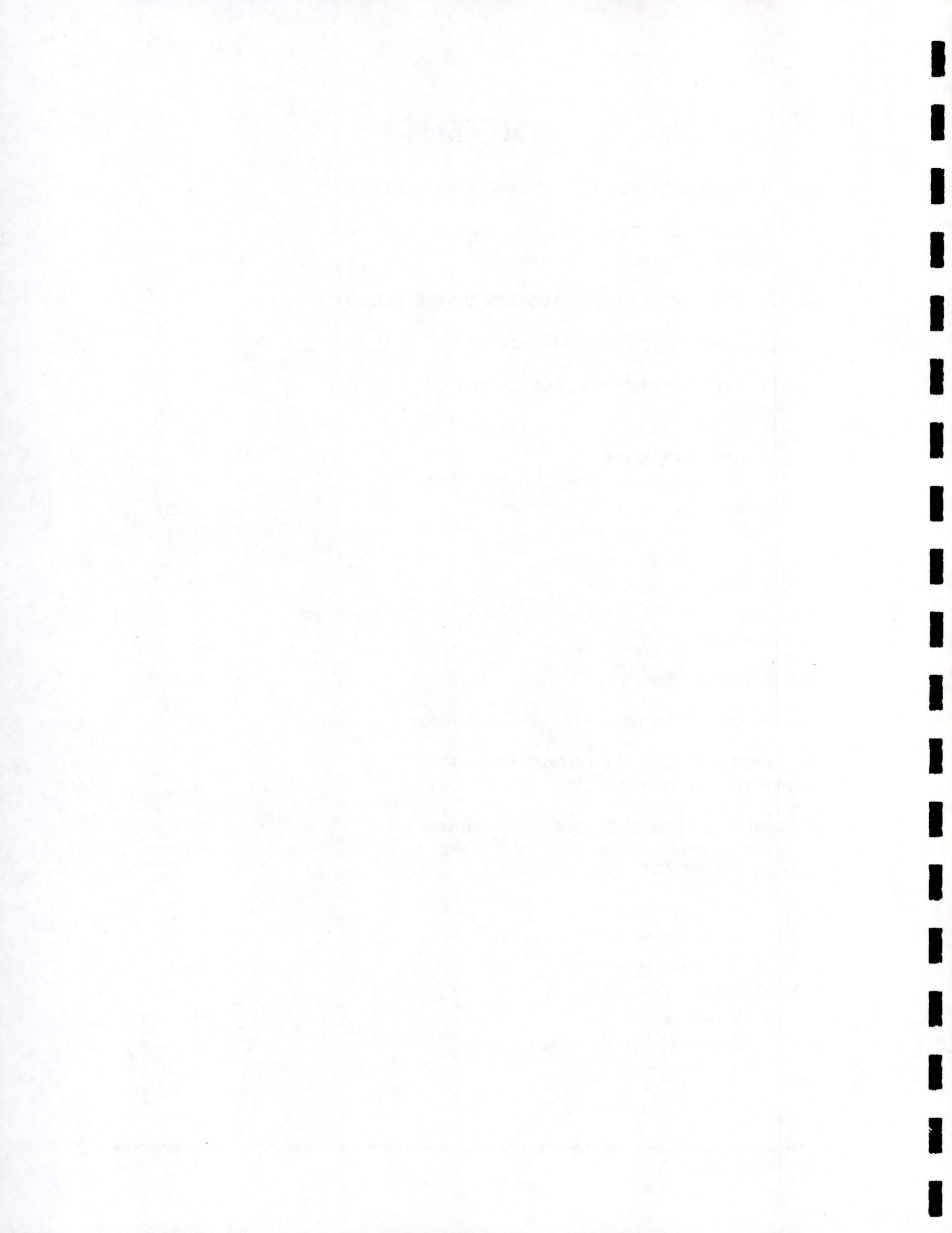
  
\_\_\_\_\_  
Charles Knobloch, Chairman





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## **PART I: STATEWIDE VISION, MISSION AND PHILOSOPHY**

### **Statement of the Texas Board of Professional Geoscientists**

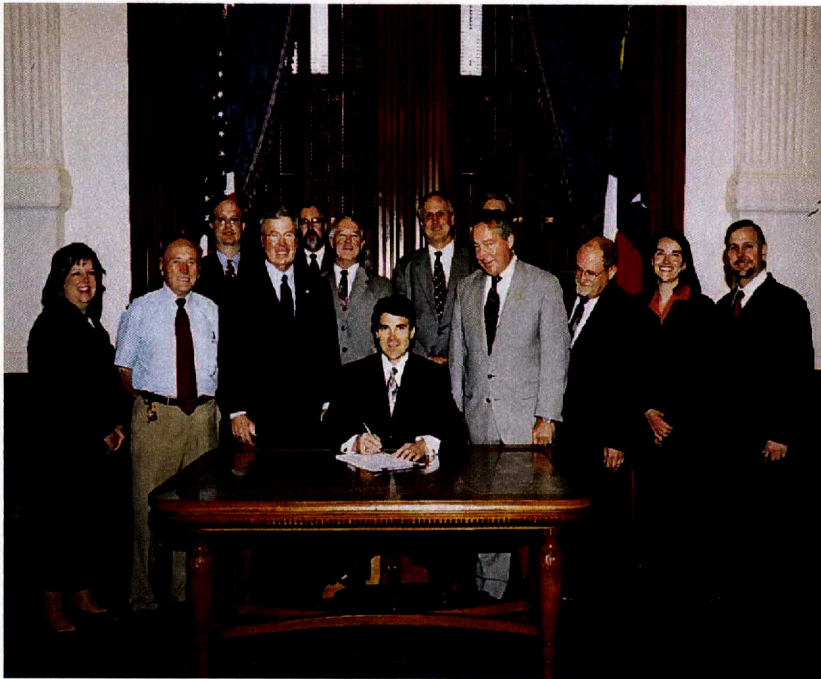
Regulation of the public practice of geoscience is very important to Texans because, simply stated, the competent, ethical and accountable public practice of geoscience saves lives, protects natural resources, and prevents and can assist with dealing with fraud, waste, and abuse of public and private citizens' funds.

**The mission of the Texas Board of Professional Geoscientists is to protect public health, safety, welfare and the state's natural resources by ensuring only qualified persons carry out the public practice of geoscience and enforcing the Code of Professional Conduct the Board has established for its licensees.**

The work performed by the geoscience profession is of a highly technical nature. In order to perform this work competently and safely, a person must be of good moral and ethical character; have engaged in a university level course of study specializing in a specific discipline of geoscience; demonstrated competence through a discipline-specific examination; and gained at least five years of qualifying work experience under the direct supervision of a qualified individual. By the nature of the work performed by a Professional Geoscientist, society, through the state, has placed a great deal of trust and responsibility on licensed Professional Geoscientists. Through licensure and the authorization to take disciplinary action, the state has also established accountability.

The Texas Board of Professional Geoscientists (TBPG) was created in 2001 by Senate Bill (SB) 405 (77<sup>th</sup> legislature) and codified into Texas Civil Statutes, Article 8861. Authors of SB 405 in the Senate and House included Senator J. E. "Buster" Brown and Senator Jeff Wentworth. Representative Goolsby sponsored the bill in the House. SB 405 was signed by Governor Rick Perry on May 11, 2001, making Texas the 28<sup>th</sup> state to regulate the public practice of geoscience.





How can the competent, ethical and accountable public practice of geoscience save lives? How can it prevent fraud, waste and abuse of public and private citizen's funds? What does the regulation of the public practice of geoscience cost me in taxpayer dollars? These are the questions critics raise regarding the regulation of the geoscience profession and the existence of the Board and the agency.

Excepting the performance of certain activities identified in the Texas Occupations Code, Title 6, Subtitle A, Chapter 1002 (the Texas Geoscience Practice Act or TGPA), only a person who is licensed as a Professional Geoscientist by the TBPG may offer or perform non-exempt geoscientific work for the public. For example, only a Professional Geoscientist is authorized to submit geoscientific work to a state or local government entity of Texas or offer to or perform non-exempt geoscience services for the public, such as a land owner or a business.

The accountability of Professional Geoscientists and registered Geoscience Firms is a part of the State of Texas' efforts to combat fraud, waste and abuse of public funds.

In its oversight of these processes, government agencies such as the Texas Commission on Environmental Quality can rely on the TBPG's Professional Geoscientist licensure and Geoscience Firm registration to help determine whether submittals, permit applications or reports are administratively complete. Governmental agencies and the general public can turn to the TBPG if there are concerns with the technical competency of submitted geoscience work. Government agencies and the general public may also turn to the TBPG if there are concerns with the ethics involved in public geoscience work submitted to the agencies.



## **Regulated Disciplines of Geoscience**

According to the enabling statute, geoscience is "the science of the Earth and its origin and history, the investigation of the Earth's environment and its constituent soils, rocks, minerals, fossil fuels, solids, and fluids and the study of the natural and introduced agents, forces and processes that cause changes in and on the Earth."

The Texas Board of Professional Geoscientists (TBPG) licenses Professional Geoscientists (P.G.s) in accordance with criteria set forth in the TGPA and the rules of the Board. The TBPG issues licenses in three disciplines:

- Geology
- Geophysics
- Soil Science

**Geology** is the discipline of geoscience that addresses the science of the origin, composition, structure, and history of the Earth and its constituent soils, rocks, minerals, fossil fuels, solids, fluids and gases and the study of the natural and introduced agents, forces and processes that cause changes in and on the Earth and is applied with judgment to develop ways to utilize, economically, those natural and introduced agents, forces and processes for the benefit of mankind. There are many subdivisions of geology, which include, but are not limited to the following: historical geology, physical geology, economic geology, mineralogy, paleontology, structural geology, mining geology, petroleum geology, physiography, geomorphology, geochemistry, hydrogeology, petrography, petrology, volcanology, stratigraphy, engineering geology and environmental geology.

**Geophysics** refers to science which involves the study of the physical Earth by means of measuring its natural and induced energy or forces, the interpretation of these measurements, applied with judgment to benefit or protect the public.

**Soil Science** is the science of soils, their classification, origin and history, the investigation and interpretation of physical, chemical, morphological and biological characteristics of the soil including among other things, their ability to produce vegetation and the fate and movement of physical, chemical and biological contaminants.

### **Examples of highly Technical Work Performed by Professional Geoscientists**

- Environmental Geology (protection of groundwater resources): Proper subsurface investigation, interpretation, and characterization of accidental spills of toxics (e.g., gasoline from leaking storage tanks, perchloroethylene or "perc" used in dry cleaning, etc.) performed by Professional Geoscientists is the first fundamental step in ensuring adequate clean-up or remediation of the problem, so that these and other highly toxic contaminants do not reach our precious groundwater. The sources of contamination are many. Clean-up, or remediation, can be at the cost of the government, private citizens or corporations, or a combination. It is important that the characterization of



the contamination be as accurate as scientifically possible so that funds are not spent unnecessarily and the remediation plan is successful.

- Hydrogeology: Professional Geoscientists explore for new sources of groundwater, delineate aquifers and identify the optimum location to drill for usable quality groundwater. Professional Geoscientists also perform mapping, characterization, and computer simulation/modeling of groundwater recharge rates to assist in local and statewide planning.
- Engineering Geology: Professional Geoscientists perform surface and subsurface geologic investigation, interpretation, characterization for consideration in the design of engineered structures; dams, buildings, bridges, roads, industrial power plants, and others; and the investigation and analysis of natural hazardous processes; landslides, faults, subsidence, coastal erosion and other natural hazards. The ground into and upon which roads and these structures are built must be considered. The results of the failure of these designs can include road, bridge, building and dam failure or collapse. The consequences of geological failures can result in significant human suffering and property damage. Professional Geoscientists also assess erosion of creek and river banks, and sedimentation in lakes and reservoirs.
- Environmental Geology: Professional Geoscientists perform surface and subsurface geologic investigations, interpretation, characterization for consideration in the design and placement of solid waste sites and underground injection hazardous waste sites.
- Soil Scientists use their expertise to characterize and map soils across the landscape for consideration of water infiltration, percolation, sediment movement, and plant production, and reclamation of natural and modified ecosystems for use by other professionals.
- Professional Geoscientists also identify faults, and monitor and assess seismic activity.



## Texas Board of Professional Geoscientists Highlights

TBPG's highlights from fiscal years 2013 – 2014 are:

- The implementation of Senate Bill 138 began and is ongoing.
- The agency is working to establish new Memorandums of Agreement (MOAs) or updated existing MOAs to ensure more structured cooperation with and to clarify jurisdiction between the Texas Board of Professional Geoscientists and the Texas Commission on Environmental Quality, the Railroad Commission of Texas, the Texas Water Development Board and other state agencies identified by the Board.
- Continued fiscal responsibility – the agency has not had an increase in appropriations since the 2010-2011 biennium. The agency ensures that its resources are deployed such that TBPG fulfills its regulatory functions and provides appropriate customer service with the resources that have been allocated.
- The agency has, as an ongoing function, managed, supported and refined its new regulatory database, which provides several features including: online customer licensee searches, online licensee profiles, the ability for licensees to update certain information to the licensing record, online renewal capability for Professional Geoscientists, Geoscientists-in-Training and Geoscience Firms and ram integrated licensing and enforcement workflow with the database.
- The TBPG continued its cooperative work with the Texas Board of Professional Engineers (TBPE) through a Memorandum of Understanding.
- The TBPG modified aspects of the agency's enforcement program, including procedures for the investigation and disposition of complaints.
- The agency continued to administer an effective program for Professional Geoscientist licensure through examination, Geoscientist-in-Training certification through examination and the Geoscience Firm registration program.
- The TBPG updated the Texas Geophysics Examination, the competency examination required to qualify for licensure as a Professional Geoscientist in the discipline of geophysics.
- The Board conducted a four-year review of its rules in accordance with requirements of the Texas Administrative Procedures Act.
- TBPG Board members and staff participated in numerous public outreach programs.



## Priority Programs

The following are the priorities the Board plans to implement in the next strategic planning cycle of 2015 – 2019:

- Implementation of certain outreach and programmatic changes as required by and for the effective implementation of SB 138;
- Ensuring that licenses to practice professional geoscience are issued only to qualified applicants and that firms that provide non-exempt geoscience services for the public are registered;
- Administration of efficient licensing, certification and registration renewal processes;
- Ensuring through effective enforcement that the non-exempt public practice of geoscience is performed only by qualified individuals;
- Ensuring through effective enforcement that licensed Professional Geoscientists adhere to the Code of Professional Conduct adopted by the Board;
- Implementing the agency's complaint investigation / adjudication process; imposing disciplinary actions when appropriate;
- Continuing to develop reciprocity agreements with other states;
- Continuing to support the competent public practice of geoscience through the agency's Continuing Education Program (CEP);
- Qualifying candidates for examination in the Geology, Geophysics and Soil Science disciplines; administering a statewide examination program for licensure in Geology and Geophysics;
- Continuing to review and develop the Code of Professional Conduct for Professional Geoscientists and all applicable licensed entities;
- Maximizing public awareness of geoscience licensure through continued public outreach initiatives, including encouraging new graduates to become licensed as a Professional Geoscientist through participation in the Geoscientist-in-Training program;
- Providing guidance to licensees and relevant industries by issuing advisory opinions providing interpretations of the statute and the application of the statute with respect to a specified existing or hypothetical situation;
- Providing value to Professional Geoscientists through information by issuing newsletters, using the e-mail alert system and timely updates to the TBPG website.



## **PART II: RELEVANT STATEWIDE GOALS AND BENCHMARKS**

The TBPG has identified and defined its relationships to the relevant statewide priority goals and benchmarks.

### **Natural Resources and Agriculture**

#### Priority Goal

To conserve and protect our state's natural resources (air, water, land, wildlife and mineral resources) by:

- Providing leadership and policy guidance for state, federal and local initiatives;
- Maintaining Texas' status as a leader in agriculture; and
- Encouraging responsible, sustainable economic development.

#### **Benchmarks**

- Percentage of polluted site clean-ups to protect the environment and public health
- Percentage of environmental violations tracked and reported
- Percentage of implemented new technologies that provide efficient, effective and value-added solutions for a balanced Texas ecosystem
- Percentage contribution of agricultural sector to gross state product

**TBPG's Relationship to the Goal:** TBPG supports this Priority Goal by ensuring that only qualified, competent and accountable licensed Professional Geoscientists engage in the non-exempt public practice of geoscience in a manner that will conserve and protect the state's natural resources.

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### **Regulatory**

#### Priority Goal

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

- Implementing clear standards;
- Ensuring compliance;
- Establishing market-based solutions; and
- Reducing the regulatory burden on people and business.



## **Benchmarks**

- Percentage of state professional licensee population with no documented violations
- Percentage of new professional licensees as compared to the existing population
- Percentage of documented complaints to professional licensing agencies resolved within six months
- Percentage of individuals given a test for professional licensure who received a passing score
- Percentage of new and renewed professional licenses issued online
- Percentage increase in utilization of the state business portal

**TBPG's Relationship to the Goal and Benchmarks:** TBPG impacts the Goal and Benchmarks through the following performance measures.

- Record and statistically analyze percent of licensed population with/without documented violations
- Record number of new licenses issued annually (as compared to the existing population)
- Track the percentage of complaints resolved within six months
- Document and statistically analyze passing rates for Geology, Geophysics and Soil Science Fundamentals and Practice examinations
- Record the percent of licenses renewed via Internet
- Document the method of license renewals for all licensed Professional Geoscientists

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## **General Government**

### 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;
- Ensuring the states bonds attain the highest possible bond rating; and
- Conservatively managing the state's debt.

### **Benchmarks**

- Number of state services accessible by Internet
- Total savings realized in state spending by making reports/documents/processes available on the Internet and accepting information in electronic format



**TBPG's Relationship to Goal and Benchmarks:** TBPG meets the Goal and Benchmarks through its commitment to use its website as its primary means of communication, license renewals, conducting user surveys and receiving complaints.

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## **Economic Development**

### Priority Goal

To provide an attractive economic climate for current and emerging industries and mark Texas as a premier business expansion and tourist destination that fosters economic opportunity, job creation and capital investment by:

- Promoting a favorable business climate and a fair system to fund necessary state services;
- Addressing transportation needs;
- Maintaining economic competitiveness as a key priority in setting State policy; and
- Developing a well trained, educated and productive workforce.

### **Benchmarks**

- Per capita gross state product
- Texas unemployment rate

**TBPG's Relationship to the Goal and Benchmarks:** The TBPG's regulation of the non-exempt public practice of geoscience supports the State's Economic Development. Only qualified individuals and registered firms, that are accountable to the Board, may provide the geoscience work involved in the planning, development and maintenance of the public infrastructure.

To protect our precious natural resources, Professional Geoscientists identify, map and monitor reservoirs, perform the mapping, characterization, computer simulation/modeling of groundwater recharge, flow, discharge, and pumpage of groundwater aquifers, perform environmental investigation and remediation to ensure a safe and sufficient supply of drinking water, and investigate and mitigate natural and Earth related hazards to the public, industries and markets of Texas.



## STATEWIDE VISION, MISSION AND PHILOSOPHY VISION OF TEXAS

March 2014

Fellow Public Servants:

Since the last round of strategic planning began in March 2012, our nation's economic challenges have persisted, but Texas' commitment to an efficient and limited government has kept us on the pathway to prosperity. Our flourishing economic climate and thriving jobs market continue to receive national attention and are not by accident. Texas has demonstrated the importance of fiscal discipline, setting priorities and demanding accountability and efficiency in state government. We have built and prudently managed important reserves in our state's state government. We have built and prudently managed important reserves in our state's "Rainy Day Fund," cut taxes on small business, balanced the state budget without raising taxes, protected essential services and prioritized a stable and predictable regulatory climate to help make the Lone Star State the best place to build a business and raise a family.

Over the last several years, families across this state and nation have tightened their belts to live within their means and Texas followed suit. Unlike people in Washington, D.C., here in Texas we believe government should function no differently than the families and employers it serves. As we begin this next round in our strategic planning process, we must continue to critically examine the role of state government by identifying the core programs and activities necessary for the long-term economic health of our state, while eliminating outdated and inefficient functions. We must continue to adhere to the priorities that have made Texas a national economic leader:

- Ensuring the economic competitiveness of our state by adhering to principles of fiscal discipline, setting clear budget priorities, living within our means and limiting the growth of government;
- Investing in critical water, energy and transportation infrastructure needs to meet the demands of our rapidly growing state;
- Ensuring excellence and accountability in public schools and institutions of higher education as we invest in the future of this state and ensure Texas are prepared to compete in the global marketplace;
- Defending Texans by safeguarding our neighborhoods and protecting our international border; and
- Increasing transparency and efficiency at all levels of government to guard against waste, fraud and abuse, ensuring that Texas taxpayers keep more of their hard-earned money to keep our economy and our families strong.

I am confident we can address the priorities of our citizens with the limited government principles and responsible governance they demand. I know you share my commitment to ensuring that this state continues to shine as a bright star for opportunity and prosperity for all Texans. I appreciate your dedication to excellence in public service and look forward to working with all of you as we continue charting a strong course for our great state.

Sincerely,

Rick Perry  
Governor of Texas



## **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 government 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.



## **PART III: TBPG MISSION AND PHILOSOPHY**

### **MISSION OF THE TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS**

The mission of the Texas Board of Professional Geoscientists is to protect public health, safety, welfare and the state's natural resources by ensuring that only qualified persons carry out the public practice of geoscience and enforcing the Code of Professional Conduct the Board has established for its licenses.

### **Texas Board of Professional Geoscientists' Philosophy**

To accomplish our mission, we will:

- Ensure that only individuals who meet established standards are issued a license to carry out the public practice of geoscience in the state of Texas;
- Use the Board's statutory authority to clearly define the parameters of the geoscience profession;
- Act in accordance with the highest of ethical standards, accountability and efficiency in the licensing and regulatory processes;
- Base decisions on the law, sound geoscientific principles, appropriate standards of practice, and fiscal responsibility;
- Ensure that regulations are necessary, effective, and current;
- Continue to promote strong geoscientific practice through the Continuing Education program;
- Monitor compliance of Board rules clearly and consistently;
- Ensure consistent, just, and timely enforcement when geoscience laws are violated; and
- Hire, develop, and retain a highly effective, diverse workforce.



## **PART IV: EXTERNAL/INTERNAL ASSESSMENT**

### **Overview of Agency Scope and Functions**

The Texas Board of Professional Geoscientists is the state agency responsible for the implementation of the Texas Geoscience Practice Act. The agency was established in 2001 by the Seventy-seventh Legislature to regulate the public practice of geoscience. The Board which governs the agency is composed of six Professional Geoscientists and three public members, all appointed by the Governor and confirmed by the Senate for six-year staggered terms. The Board appoints an Executive Director who is responsible for the day to day operation of the agency. The agency reviews applications for licensure as a Professional Geoscientist, registration as a Geoscience Firm, and certification of an individual as a Geoscientist-in-Training (GIT).

Three disciplines of geoscience are recognized by the Board: Geology, Geophysics and Soil Science. In Texas, the public practice of geoscience includes, but is not limited to, work that supports design and construction of homes, buildings, roads, bridges, dams and industrial power plants. Professional Geoscientists assess erosion of creek and river banks, sedimentation in lakes and reservoirs, oil, gas and groundwater supply and availability, unstable geological features, active faults, environmental hazards and mining reclamation.

As required by the Act, the Board has adopted a Code of Professional Conduct applicable to its licensees. TBPG enforces the requirements of licensure as a P.G., registration as a Geoscience Firm, and the Code of Professional Conduct. TBPG is striving to educate both its regulated community and the general public about geoscientific issues in Texas. The citizens of Texas rely extensively on the regulation of Professional Geoscientists and geoscientific work for the identification, development and protection of the state's natural resources including but not limited to petroleum, energy, minerals and water supplies.

### **Organizational Aspects**

The agency is authorized 8 full-time funded positions. Seven positions are currently filled with seven full-time employees. The ethnic distribution of the staff is 29% Black, 14% Hispanic and 57% White.

The agency is divided into three main functions: administration, licensing, and enforcement. Each staff member's function is to implement particular portions of the Act and Board rules, in support of the agency's statutory role. The staff is composed of the Executive Director, a Chief Financial Officer, an Operations Manager, a Licensing Coordinator, an Enforcement Coordinator, an Enforcement Specialist and two Administrative Assistants. The organizational structure allows for staff specialization in certain functions. The organizational structure for staff is to have an understanding of the agency's functions overall and for staff to support other functions. The staff work together to carry out the many complex functions of the agency and its programs.



The average state tenure of a TBPG employee is over 16 years. During fiscal year 2014 the agency lost one of its employees to another state agency. Thus, the average employee turnover rate for the agency for fiscal year 2014 is 25%. TBPG has a very competent and dedicated staff which it strives to keep in place.

The agency is located in the William P. Hobby building located at 333 Guadalupe Street, Austin, Texas. The TBPG communicates with its licensees and interested stakeholders by sending regular updates via electronic mail. Twice a year TBPG publishes a newsletter.

### **Fiscal Aspects/Service Population Demographics**

The Texas Comptroller of Public Accounts estimates that the TBPG will collect approximately \$2,266,419 in revenue from new Professional Geoscientist (P.G.) licenses, P.G. license renewals, new Geoscience Firm registrations, Geoscience Firm registration renewals, new Geoscientist-in-Training (GIT) certifications and GIT annual renewals, and miscellaneous fees over the 2014-2015 fiscal biennium. Money collected by TBPG is deposited into the state's General Revenue fund. TBPG's direct appropriation is \$1,160,389 for the 2014-2015 fiscal biennium, all of which is from General Revenue.

The annual renewal fee for a Professional Geoscientist license is \$223. The number of license renewals projected for the 2014-2015 fiscal biennium is estimated to be 4,600 licensees per year. The annual renewal fee for a registered Geoscience Firm is \$300 per year. The number of registered Geoscience Firm renewals projected for the 2014-2015 fiscal biennium is estimated at 367 registration renewals per year.

Based on historical data, TBPG projects the number of Professional Geoscientist licenses issued will be approximately 62 per year. At this replenishment rate, the long-term projection of P.G. licensees for this Board is 3100 after 40 years. The number of newly registered Geoscience Firms is expected to be approximately 20 per year.

### **Licensing Examination Administration**

TBPG is a member of the National Association of State Board of Geology (ASBOG®) and uses the national ASBOG® Fundamentals of Geology and Practice of Geology licensing examinations to qualify applicants for licensure in the geology discipline. TBPG participates in the ASBOG® Council of Examiners examination review and preparation activities through formal meetings two times per year. TBPG staff administers/proctors the ASBOG® examinations for qualified applicants.

TBPG has developed and, in conjunction with the Gainesville Independent Testing Service (GITS), administers the Texas Geophysics Examination (TGE) to qualify applicants for licensure in the geophysics discipline. At the time of publication, the TBPG is working with GITS and volunteer subject-matter experts to update the TGE. The agency works with GITS to review the performance of the TGE and make improvements to the examination over time.



## **Current Geoscientists Characteristics**

Professional Geoscientists perform a broad array of services; TBPG's service population encompasses almost every demographic category. Geoscientists provide geological investigations for construction of such projects as buildings, highways, dams, lateral erosion that threatens housing and businesses along urban streams, coastal erosion, active faults along the Gulf Coastal Plain and landslides in urban areas. They also lend their expertise in soil science management to increase agricultural output and efficiency and perform wetland delineations. To protect our precious natural resources, Professional Geoscientists identify, map and monitor oil and gas reservoirs, perform the mapping, characterization, computer simulation/modeling of groundwater recharge, flow, discharge and pumpage of groundwater aquifers, and perform environmental investigation and remediation to ensure a safe and sufficient supply of drinking water.

## **Future Trends and Their Impact**

As the population of Texas increases, so too will the demand for Texas Professional Geoscientists and their services. There are now, and will be in the future, jobs and careers for Professional Geoscientists. Consequently, there will be an increased demand for qualified Professional Geoscientists to effectively identify geo-hazards, assess, properly develop and adequately protect our natural resources as well as manage and monitor carbon sequestration in the subsurface. The population of Texas reached more than 25 million in 2010, according to the latest estimates from the Texas State Data Center. The 2010 Census indicates that the majority of Texas' population lives in metropolitan areas. Growth in the state's metro areas, however, is not evenly distributed. It is concentrated in the large metropolitan areas of Dallas, Houston, San Antonio Fort Worth, El Paso, and Austin. The Texas State Data Center at Texas A&M University has projected that the Texas population is expected to reach 35 million by 2040. The increased population growth will require development, conservation and protection of the state's natural resources, as well as identifying geo-hazards, while accommodating the demand for new infrastructure.

## **Economic Variables**

The general health of the economy is the primary variable on the number of licensees. Professional Geoscientists are involved in many of the industries which drive the economy, including construction, petroleum exploration and production, groundwater supply, environmental regulation, and agriculture. Geoscience has multiple disciplines, and each is affected by changes in specific economic sectors. For example, increases in construction starts affect the need for geoscience services. To ensure that buildings and other structures are safely built, the geological specifics of the site need to be assessed by a licensed Professional Geoscientist. Also, the continued importance of agricultural production in the state's economy assures the continued need for Professional Geoscientists' expertise in soil management and conservation.



## **Impact of Federal Statutes/Regulations and Other Legal Issues**

There is no requirement for geological licensure at the federal level. However, evaluation by geologists is required by several Federal Statutes: 1) Title 40, Protection of the Environment, Solid Waste Disposal Programs, 2) Title 30, Mineral Resources, Underground Mining Permit Applications, and 3) 40 CFR Part 312, Performing Assessment Work – Mining Claims. Most of the statutes have references to “a professional geologist” or a “qualified geologist”. The federal government may now rely on qualified Professional Geoscientists to perform this work in Texas.

All state and local governmental agencies that implement construction projects or regulatory programs that may result in an environmental impact to soils, surface water, groundwater, and topography/bathymetry are all required to ensure that geoscience work that is submitted to the agency must be completed, signed, and sealed by a Professional Geoscientist. State agencies and programs that need to be aware of the requirements of the Texas Geoscience Practice Act and the rules of the Board are the Texas Commission on Environmental Quality, Railroad Commission of Texas, Texas Department of Transportation, Texas Water Development Board, and the Water Well Drillers of the Texas Department of Licensing and Regulation, among others.

## **Impacts of Legislation**

Upon passage of Senate Bill 405 by the 77<sup>th</sup> Legislature (2001), regulation of the public practice of geoscience was initiated, and geoscientists were recognized as licensed professionals. This legislation protects the public health, safety and welfare through its regulation of the public practice of geoscience.

The most recent legislation that amended the Texas Geoscience Practice Act was Senate Bill 138 (83<sup>rd</sup> Regular Texas Legislative Session). The author of SB 138 was Senator Judith Zaffirini, the House Sponsor was Representative Ryan Guillen. The bill was signed by Governor Rick Perry on June 14, 2013.

The agency has taken the following steps to implement the Act:

- The Board adopted rules necessary to implement SB 138 at its November 22, 2013 Board meeting;
- The TBPG now maintains information on its website regarding the procedures for filing a complaint with the Board and a means by which a person may electronically file a complaint with the Board;
- The TBPG now accepts a complaint regardless of whether the complaint is notarized; and
- The TBPG is currently working with certain state agencies to educate their employees regarding the procedures by which complaints are filled with and resolved by the Board.



SB 138 also provides that:

- A state agency that becomes aware of a potential violation of this chapter or a rule adopted under this chapter shall forward any information relating to the potential violation to the TBPG;
- Information that is privileged or confidential remains so following receipt by the TBPG;
- The forwarding of privileged or confidential information by a state agency to the TBPG does not waive a privilege or create an exception to the confidentiality of the information; and
- A state agency's provision of information or failure to provide information does not give rise to a cause of action against the agency.

As of the date of this report, the Executive Director and TBPG staff are working with certain state agencies to enter into Memorandums of Agreement (MOAs) that clearly state the duties and obligation of each agency. Following the establishment of an MOA with a state agency, the TBPG's coordination efforts include working out how TBPG will train other agencies' identified staff and establishing a protocol for how the agencies will forward a potential violation to the TBPG.

### **Potential Legislative Issues**

The Texas Geoscience Practice Act (TGPA), at Texas Occupations Code (TOC) §1002.451, provides for the TBPG's Appointed Board to impose an administrative penalty (fine) against a person licensed under the TGPA or any other person who violates the TGPA or a rule adopted or order issued under the TGPA.

Similar to the enabling Acts of other professional/occupational licensing agencies, the TGPA at §1002.452, provides that the Appointed Board may include in the amount of the administrative penalty the actual cost of investigating and prosecuting the violation. The TGPA at §1002.452, provides that the TBPG's administrative penalty may not exceed \$100 for each violation. Also similar to the enabling acts of other professional/occupational licensing agencies, the TGPA also provides that each day a violation continues or occurs is a separate violation for the purposes of imposing a penalty. The administrative penalty authority of no more than \$100 per violation does not appear to provide an appropriate penalty for certain violations, nor does it appear to provide an adequate deterrent to future violations.

The TBPG notes that other comparable licensing Act, The Texas Engineering Practice Act and Texas Occupations Code, Chapters 1051 and 1052 (which apply to the licensure of architects and landscape architects) provide for an administrative penalty not to exceed \$5,000 per violation. The enabling Acts of these licensure programs also allow that each day a violation continues or occurs is a separate violation for the purposes of imposing a penalty.

The TBPG notes that increasing the administrative penalty authority of the TBPG to \$5,000 per violation would enable the TBPG to enforce the TGPA at a level that would both provide an appropriate penalty for all violations and an adequate deterrent to future violations.



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## **PART V: AGENCY GOALS**

The goals, objectives, strategies and measures below have received formal approval from the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board on May 8, 2014.

### **GOAL A: LICENSING**

Provide a licensing process that assures professional geoscience in Texas is practiced only by qualified and competent Texas licensees and registered firms.

### **GOAL B: ENFORCEMENT**

Provide timely and effective enforcement to protect the health, safety and welfare of the people of Texas

### **GOAL C: INDIRECT ADMINISTRATION**

Indirect Administration



## HUB Procedures, Goals, and TBPG Performance

TBPG has faithfully sought historically underutilized businesses (HUBs) to meet agency procurement needs. The agency has met or exceeded HUB purchasing goals set by the Legislature. TBPG's use of historically underutilized businesses has been greatly assisted by the efforts of the Texas Comptroller of Public Accounts. The database of HUB vendors provided to state agencies by the Texas Comptroller of Public Accounts greatly facilitates the patronage of HUBs.

The following are a list of the factors, which affect agency procurement decisions directly relating to historically underutilized business:

- Are there a sufficient number of qualified HUB vendors providing the goods or services required?
- Is the value and quality of the goods or services equal to that of other vendors?
- Is the purchase price of the goods or services substantially less than other vendors? If the purchase price is greater, is the total cost no more than 5% of the cost of the lowest bidder?
- Has the HUB vendor provided adequate customer service and/or assistance for previous purchases?
- Will the HUB vendor be able to provide the goods or services in a timely manner?

### Hub Goals and TBPG Performance

| Category                   | TBPG Performance |        | Statewide Goals for 2015-2019 |
|----------------------------|------------------|--------|-------------------------------|
|                            | 2013             | 2014   |                               |
| Commodity Services         | 56.30%           | 21.00% | 21%                           |
| Other Services             | 71.80%           | 24.60% | 24.60%                        |
| Professional Services      | 100%             | 23.60% | 23.60%                        |
| Special Trade Construction | n/a              | n/a    | n/a                           |
| Heavy Construction         | n/a              | n/a    | n/a                           |
| Building Construction      | n/a              | n/a    | n/a                           |



**PART VI: OBJECTIVES AND OUTCOME MEASURES**

The goals, objectives, strategies and measures below have received formal approval from the Governor’s office of Budget, Planning and Policy and the Legislative Budget Board on May 8, 2014.

**OBJECTIVE GOAL 01: ASSURE GEOSCIENCE IS PRACTICED ONLY BY QUALIFIED/REGISTERED LICENSEES**

Ensure Timely Licensure/Registration of Practicing Geoscientists/Firms

Outcome (Results/Impact):

- 01 Percent of Licensees with No Recent Violation
- 02 Percent of Licensees Who Renew Online
- 03 Percent of New Individual Licenses Issued Online
- 04 Percent of Firms That Renew Online

**OBJECTIVE GOAL 02: ENSURE EFFECTIVE ENFORCEMENT OF THE TEXAS GEOSCIENCE PRACTICE ACT**

Ensure Due Process for all Complaints within 180 Days

Outcome (Results/Impact):

- 01 Percent of Complaints Resulting in Disciplinary Action
- 02 Recidivism Rate for Those Receiving Disciplinary Action
- 03 Percent of Documented Complaints Resolved within Six Months



## **PART VII: STRATEGIES AND OUTPUT, EFFICIENCY AND EXPLANATORY MEASURES**

The goals, objectives, strategies, and measures below have received formal approval from the GOBPP/LBB on May 8, 2014.

### **A.1.1. STRATEGY: APPLICATION REVIEW**

Evaluate Applications and Ensure Proper Examination

Output (Volume):

Number of New Licenses Issued to Individuals

Number of New Firms Registered

Number of Licenses Renewed (Individuals)

Efficiencies:

Percentage of New Individuals Licenses Issued within 10 Days

Percentage of Individual License Renewals Issued within 7 Days

Average Time for Individual License Renewal (Days)

Explanatory:

Total Number of Individuals Licensed

Average Time for Individual License Renewal (Days)

### **A.1.3. STRATEGY: INFORMATION SERVICES**

Maintain Current Registry and Provide Timely Information

Output (Volume):

Number of Information Requests

Number of Information Packets Distributed to Individuals & Establishments

### **B.1.1. STRATEGY: ENFORCEMENT**

Investigate and Reach Final Resolution of Reported Violations

Output (Volume):

Complaints Resolved

Number of Compliance Orders Issued

Number of Disciplinary Actions Taken

Efficiencies:

Average Time for Complaint Resolution (Days)

Explanatory:

Jurisdictional Complaints Received



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## **PART VII: STRATEGIES AND OUTPUT, EFFICIENCY AND EXPLANATORY MEASURES**

The goals, objectives, strategies, and measures below have received formal approval from the GOBPP/LBB on May 8, 2014.

### **A.1.1. STRATEGY: APPLICATION REVIEW**

Evaluate Applications and Ensure Proper Examination

Output (Volume):

Number of New Licenses Issued to Individuals

Number of New Firms Registered

Number of Licenses Renewed (Individuals)

Efficiencies:

Percentage of New Individuals Licenses Issued within 10 Days

Percentage of Individual License Renewals Issued within 7 Days

Average Time for Individual License Renewal (Days)

Explanatory:

Total Number of Individuals Licensed

Average Time for Individual License Renewal (Days)

### **A.1.3. STRATEGY: INFORMATION SERVICES**

Maintain Current Registry and Provide Timely Information

Output (Volume):

Number of Information Requests

Number of Information Packets Distributed to Individuals & Establishments

### **B.1.1. STRATEGY: ENFORCEMENT**

Investigate and Reach Final Resolution of Reported Violations

Output (Volume):

Complaints Resolved

Number of Compliance Orders Issued

Number of Disciplinary Actions Taken

Efficiencies:

Average Time for Complaint Resolution (Days)

Explanatory:

Jurisdictional Complaints Received



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## **PART VIII: TECHNOLOGY RESOURCE PLANNING**

### **Technological Goals**

Key components of the TBPG's use of technology:

- TBPG's internal networks (including off-site back up protocols) are designed and supported by Vintage IT Services, Inc. Vintage IT Services provides consultative oversight of hardware and software, including an annual review of the status of equipment and software licenses and product developments. Vintage IT Services also assists TBPG as needed to ensure that the agency complies with Department of Information Resources (DIR) requirements in IT planning, reporting, security protocols, operational requirements and TPBG's seat management needs. Laptops are utilized by agency staff for working remotely and planning for emergency business recovery contingency.
- TBPG's licensing and enforcement database, Versa:Regulation<sup>®</sup>, is maintained and managed by Iron Data and agency staff. TBPG has a customized online portal making it easier for TBPG licensees to renew their licenses online.
- The TBPG has contracted with Neubus for its document imaging and digital storage needs by utilizing a contract through the Council on Competitive Government. All licensing and financial files are now imaged and stored digitally.
- The TBPG website is hosted by The Wilkins Group and managed and updated by agency staff.
- Other TBPG office technology includes, but is not limited to, printers, a photocopier, telecommunications system and facsimile.
- TBPG uses Versa:Regulation<sup>®</sup>, a complete regulatory database. Its features include licensing and complaint database structures, online interface, and financial transaction tracking, and all related reporting. Versa:Regulation<sup>®</sup> is integrated into the work processes of the agency.

TBPG has all of the equipment and infrastructure in place to equip staff and the Board to carry out the mission of the agency. The TBPG utilizes components of the Enterprises Services and Infrastructure where possible and feasible. The TBPG remains open in its planning to further opportunities to align its technologies with Enterprises Services and Infrastructure.



## STATEWIDE TECHNOLOGY GOAL 1: Strengthen and Expand the Use of Enterprise Services and Infrastructure

- Communications Technology Infrastructure
- Statewide Portal Infrastructure

To meet this goal, TBPG plans to:

- Continue to use the Department of Information Services (DIR) telecommunications services.
- Continue internet portal through DIR.
- Continue recently expanded range of online financial transactions through the Texas.gov portal, using the Texas Payment Engine (TPE).
- Continue to use Qualified Information Systems Vendors (QISV) vendors.
- Explore the possibility of contracting with other state agencies for database management services that are currently contracted with Iron Data.

## STATEWIDE TECHNOLOGY GOAL 2: Secure and Safeguard Technology Assets and Information

- Vulnerability to Cyber Attacks
- Response and Recovery Capabilities
- Management Services

To meet this goal, TBPG plans to:

- Continue penetration testing scheduled through DIR.
- Continue its offsite daily network back up protocol through Vintage IT services.
- Continue having key personnel assigned laptops for remote access to the network or a rebuilt network in the event of a need to recover essential services. The agency would need to purchase certain hardware. It is not feasible to keep the hardware on hand as a contingency.
- Continue to submit annual Risk Assessment to SAO.
- Continue to submit monthly Incident reports to DIR.
- Continue to review IT policies and provide staff training on IT policies every three years or earlier, if necessary.
- Continue network management and seat management support through Vintage IT Services. The contract with Vintage includes provision of/coordination of necessary protections from viruses or other threats, software license management.

## STATEWIDE TECHNOLOGY GOAL 3: Serve Citizens Anytime, Anywhere

- Facilitate open and transparent government



To meet this goal, TBPG plans to:

- Continue to maintain its website which is designed to provide information and services regarding the key functions of the agency, including the requirement of licensure, firm registration and GIT certification, the requirements for becoming licensed, the Board's Code of Professional Conduct, search for licensees, public meeting information, enforcement issues, policy development and rule making activities, financial information, location and contact information, and services available by coming to or contacting the TBPG office.
- Licensees may access the TBPG online system through the state portal at Texas.gov or through the agency website. By setting up an online account, a licensee may securely renew a license, update certain information with the Board, and choose to display certain information regarding their professional services or qualifications on the licensee's profile that is viewable by the public through the public license search feature.

STATEWIDE TECHNOLOGY GOAL 4: Pursue Excellence and Foster Innovation across the Enterprise

- Link technology to workplace innovations
- Legacy system modernizations
- Best practices for managing digital information

To meet this goal, TBPG will utilize the following entities:

- TBPG currently uses Neubus, an entity endorsed by the Council on Competitive Government to scan index and image the licensing files upon new license issuances and additional records that are generated annually or ad hoc.
- TBPG uses Versa:Regulation<sup>®</sup>, a complete regulatory database. Its features include licensing and complaint database structures, online interface and financial transaction tracking and all related reporting.

Technology Resource Planning

| Technology Initiative   | Related Agency Objective   | Status  | Anticipated Benefits  | Innovation, Best Practices, Benchmarking  |
|---|--|---------|---|---|
| Maintain a schedule of hardware replacement and software upgrades to avoid dependence on Legacy systems | <ul style="list-style-type: none"> <li>• Provide timely and effective enforcement to protect public health, safety and welfare of the people of Texas</li> <li>• Review/process applications for P.G. licensure, firm registration and GIT certification in a timely manner</li> </ul> | Current | Planned IT procurement and avoidance of IT needs/ costs exceeding the agency budget | Department of State Health Services Professional Licensing and Certification Division; select Health Professions Council member agencies, the Department of Information Resources. other small state agencies |



## APPENDIX A

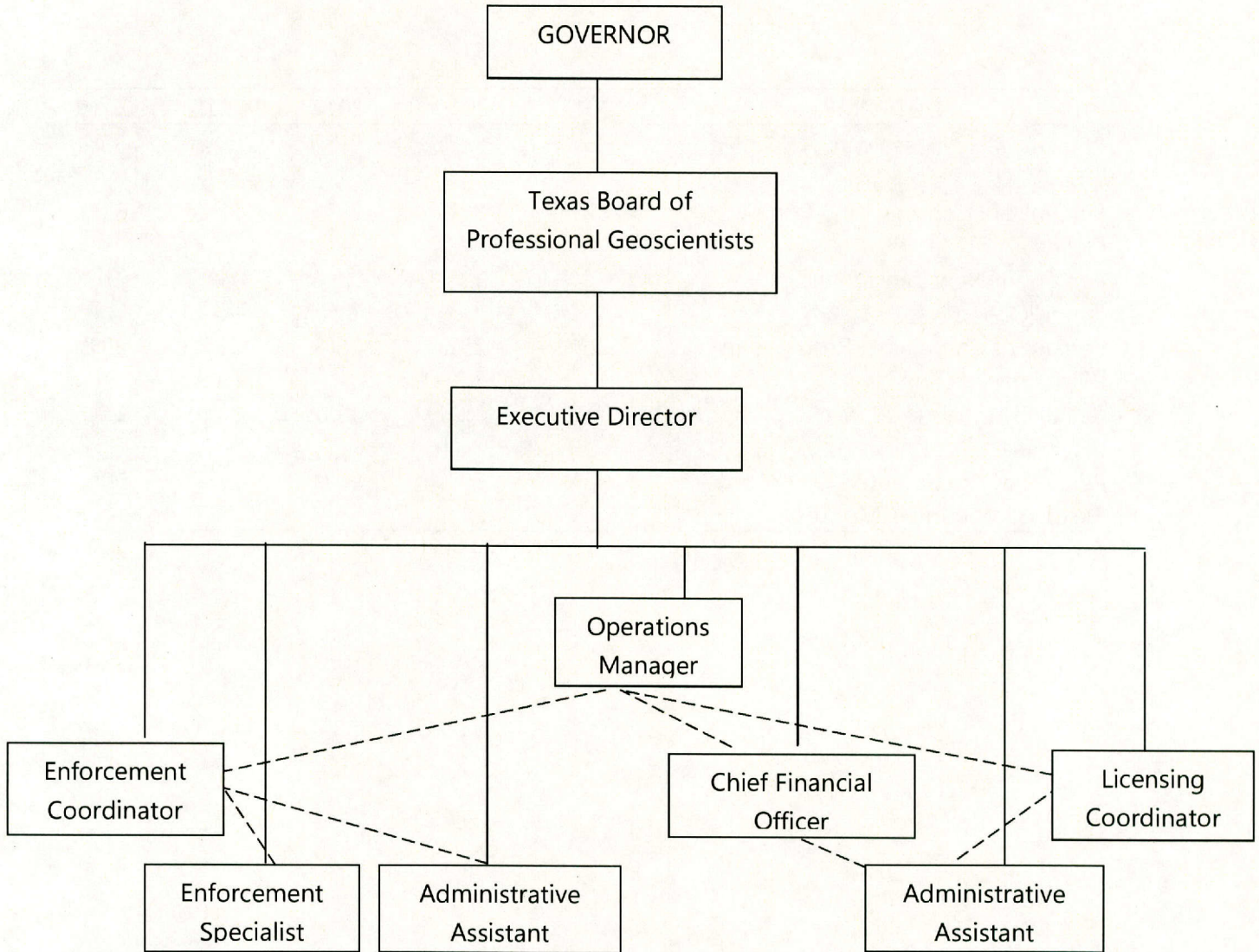
### TBPG PLANNING PROCESS

1. The TBPG begins the process by identifying the agency mission and goals consistent with the Texas Geoscience Practice Act. Suggestion, ideas and possible changes to the Strategic Plan were discussed in an open TBPG Board meeting. The TBPG Financial Review Strategic Planning Committee considered input from the full Board. The staff assisted the Strategic Planning Committee in developing a draft Strategic Plan for action by the Board.
2. Board Members select the best course of action to follow, in order to accomplish the identified mission and goals. The staff is then given the responsibility to implement the Board approved plan.
3. The staff is also given the responsibility to report back to the Board via the Executive Director regarding the effectiveness of the plan once it is put into motion. The Strategic Planning Committee submitted proposed changes to the agency's budget structure elements to the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board.
4. The Board's mission and goals defined in the Strategic Plan are the basis on which more detailed plans and procedures are based. The TBPG seeks to use the best available information for its planning processes.
5. Information will be gathered from all external and internal sources including surveys of staff, licensees and complainants. This will allow a direct response concerning critical agency services and informs the TBPG of the level of satisfaction with the agency.
6. Staff and Board priorities are assigned based on needs and resources of the agency. Individual staff members and Board committees are employed as appropriate to address specific planning projects and develop regulations, policies and procedures that better serve the geoscience community and the citizens of the state of Texas.



APPENDIX B

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS  
ORGANIZATIONAL CHART





**APPENDIX C**

**TBPG PREDICTED OUTCOMES  
FISCAL YEARS 2015 – 2019**

| OUTCOME   | 2015 | 2016 | 2017 | 2018 | 2019 |
|---|------|------|------|------|------|
| Percent of Licensees with No Recent Violation               | 99%  | 99%  | 99%  | 99%  | 99%  |
| Percent of Licensees Who Renew Online                       | 87%  | 87%  | 87%  | 87%  | 87%  |
| Percent of New Individual Licenses Issued Online            | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Percent of Complaints Resulting in Disciplinary Action      | 25%  | 25%  | 25%  | 25%  | 25%  |
| Recidivism Rate for Those Receiving Disciplinary Action     | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Percent of Documented Complaints Resolved Within Six Months | 90%  | 90%  | 90%  | 90%  | 90%  |



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## APPENDIX D

### MEASURE DEVELOPMENT

The State of Texas uses a set of organized procedures known as "Strategic Planning and Budgeting System" in which funding and other decisions are based upon what an agency is accomplishing, rather than just what they are doing. As an important element of the monitoring phase of budgeting, performance measures serve as specific targets that indicate the success in achieving agency goals.

#### Introduction to Performance Measures

There are four types of performance measures:

1. Outcome Measures are tools used to assess the effectiveness of an agency in serving its customers and in achieving its mission and goals. An outcome measure is typically expressed as a percentage, rate or ration.
2. Output Measures are tools or indicators, used to count the services and goods produced by an agency. They are helpful in assessing agency workload and demand for services as well as agency efforts to address those demands. The number of people receiving service and the number of services delivered are often used as measures of output.
3. Explanatory Measures reflect the agency's operating environment and explain factors that are relevant to the interpretation of other agency measures.
4. Efficiency Measures are indicators which quantify costs, unit costs, or productivity associated with a given outcome or output.

#### Measure Definitions

The definition of a performance measure follows a format prescribed by the Texas Legislative Budget Board. The components of a measure are as follows:

1. Short Definition: Provides a brief explanation of the measure, with enough details to give a general understanding of the measure.
2. Purpose: Describes the intended purpose of the measure and its significance.
3. Data Source: Describes the source of the data or information and how it is collected.
4. Methodology: Clearly specifies how the measure is calculated.
5. Data Limitations: Identifies any limitations and factors beyond the control of the agency which may impact reported performance.
6. Calculation Method: Specifies whether the information is cumulative or non-cumulative from quarter to quarter.
7. New Measure: Identifies whether the measure is new or has been significantly changed.



8. Desired Performance: Clarifies whether the optimal level of performance is higher, near, or lower than projections.

The following is a listing of the TBPG's Performance Measures and their Definitions for Fiscal Years 2016 and 2017.

## PERFORMANCE MEASURES AND DEFINITIONS

### **GOAL A.1.1. Assure Geoscience is Practiced Only by Qualified/Registered Licensees**

#### **Outcome 01-01-01 Percent of Licensees with No Recent Violations**

Definition: The percent of the total number of licensed individuals at the end of the reporting period who have not incurred a violation within the current and preceding two years (three years total).

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The names of all licensees that have incurred a violation over the past three years can be queried from the agency regulatory database.

Methodology: This measure is calculated by subtracting the total number of licensees with violations during the three-year period from the total number of licensees at the end of the reporting period. The result is divided by the total number of licensees at the end of the reporting period and multiplied by 100 to achieve a percentage.

Purpose: This measure is important because it indicates how effectively the agency's activities deter violations of professional standards established by statute and rules.

#### **Outcome 01-01-02 Percent of Licensees Who Renew Online**

Definition: The percent of licensees who renew their Professional Geoscience license online during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: All Professional Geoscience license renewals are performed in and tracked by the agency regulatory database. A listing of all PG licenses renewed during a given time frame may be queried and sorted by whether the license was renewed online or by submission of a paper renewal application to the TBPG office. Staff can determine the total number of licenses renewed and calculate the number and percent of the total renewed online vs. in the office during a reporting period.

Methodology: This measure is calculated by dividing the total number of licensees who renewed their licenses online by the total number of licensees who renewed their licenses during the reporting period. The result is multiplied by 100 to obtain a percentage.



Purpose: This measure indicates how effective the TBPG is at utilizing technological resources to make license renewals easier and more efficient.

**Outcome 01-01-03 Percent of Firms That Renew Online**

Definition: The percentage of firms that renew their registration online.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: All firm registration renewals are performed in and tracked by the agency regulatory database. A listing of all firm registrations renewed during a given time frame may be queried and sorted by whether the firm registration was renewed online or by submission of a paper renewal application to the TBPG office. Staff can determine the total number of firm registrations renewed and calculate the number and percent of the total renewed online vs. in the office during a reporting period.

Methodology: Divide the total number of firms that renewed online by the total number of firms that renewed during the reporting period. The result is multiplied by 100 to achieve a percentage.

Purpose: This measures the TBPG's use of its technology resources to process registration renewals.

**Goal B.1.1. Ensure Effective Enforcement of TX Geoscience Practice Act**

**Outcome 02-01-01 Percent of Complaints Resulting in Disciplinary Action**

Definition: Percent of complaints that were resolved during the reporting period that resulted in disciplinary action.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: Records of disciplinary action are maintained in the agency regulatory database. The number of complaints which were closed with disciplinary action taken by the full Board is divided into the total number of complaint cases resolved during the reporting period. The result is multiplied by 100 to derive a percent. The source of what constitutes a disciplinary action is defined under Texas Occupations Code 1002.403. The source of what constitutes a complaint is Texas Occupations Code 1002.202. Note: Non-disciplinary cease and desist notices are not included in this data.

Methodology: The number of disciplinary actions divided by the total number of complaints resolved during the reporting period. The result is multiplied by 100 to achieve a percentage.

Purpose: This measure indicates the effectiveness of complaint resolution processes by TBPG.



### **Outcome 02-01-02 Recidivism Rate for Those Receiving Disciplinary Action**

Definition: The percentage of individuals and firms against whom disciplinary action was taken during the most recent three-year period and against whom disciplinary action had ever previously been taken.

Data Limitations: There is nothing to prevent the TBPG from gathering this information.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The names of all individuals and firms that have ever had disciplinary action taken can be queried from the agency regulatory database. Staff can identify licensees on whom disciplinary action has been taken over the past three years that had previously had at least one disciplinary action.

Methodology: Determine the total set of individuals and firms against whom disciplinary action has been taken over the preceding three year period. Determine how many individuals and firms in the set had disciplinary actions taken on more than one occasion, even if the disciplinary action had been taken before the three year reporting period. Divide the number of individuals and firms in the set that had disciplinary action taken on more than one occasion by the number of individuals and firms in the set. Multiply the result by 100 to achieve a percentage.

Purpose: This measure shows how effectively the agency enforces its regulatory requirements.

### **Outcome 02-01-03 Percent of Documented Complaints Resolved within Six Months**

Definition: The percent of complaints resolved during the reporting period that were resolved within a six month period from the time they were initially received by the agency.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints closed during the reporting period can be queried and the set determined. A query can also provide the number of days for each complaint to be resolved. The number of days for each complaint to be resolved is calculated by counting the number of days from the date the complaint was opened until the date the complaint was resolved.

Methodology: The total number of complaints resolved within six months from the date of receipt divided by the number of complaints resolved during the reporting period. The result is multiplied by 100 to achieve a percentage.

Purpose: This measure indicates the effectiveness of complaint resolution processes by TBPG.



## **Efficiency 01-01-01-01 Percentage of New Individual Licenses Issued Within Ten Days**

Definition: The percentage of initial individual license applications that were processed during the reporting period within 10 calendar days measured from the time in days elapsed from receipt of the initial completed application until the license is issued. An application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed through annotation that includes signature, along with the date of annotation.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: The agency date stamps mail received. The agency maintains a copy of the date stamped document(s) that completed each application. For each new license issued, the agency records the received date of the document that completed each application. The agency regulatory database records the date that each license is issued. A query is used to determine the set of licenses issued during a given reporting period and the date each license was issued. A quarterly log is maintained on every license issued each fiscal quarter. The log includes the date the application was complete, the date each license was issued and the number of days after the completed application was received that each license was issued.

Methodology: This measure is calculated by dividing the number of individual licenses issued within 10 calendar days during the reporting period by the total number of individual licenses issued during the reporting period. The result is multiplied by 100 to achieve a percentage.

Purpose: This measure indicates the ability of TBPG to process new applications in a timely and efficient manner.



## **Efficiency 01-01-01-02 Percentage of Individual License Renewals Issued within 7 Days**

Definition: The percentage of complete individual professional geoscience license renewal applications that were processed within 7 calendar days of receipt, measured from the time (in calendar days) elapsed from the receipt of the renewal application until the date the license is renewed in the licensing system. A renewal application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed through annotation that includes a signature, along with the date of annotation.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: The agency date stamps mail received. For each license renewed, the agency records the received date of the document that completed each application. The agency regulatory database records the date that each license is renewed. A query is used to determine the set of licenses renewed during a given reporting period and may be sorted to indicate whether the renewal was processed online or in the office and the date the renewal was issued. A quarterly log is maintained on every license renewed in the office each fiscal quarter. The log includes the date the application was complete, the date each license was renewed and the number of days after the completed application was received that each license was renewed.

Methodology: This measure is calculated by dividing the number of individual licenses renewed within 7 calendar days during the reporting period by the total number of individual licenses renewed during the reporting period. The result is multiplied by 100 to achieve a percentage.

Purpose: This is a measure of TBPG's ability to process renewal applications in a timely and efficient manner.



### **Efficiency 01-01-01-03 Average Time for Individual License Renewal (Days)**

Definition: The average number of days to process a completed individual Professional Geoscientist renewal application from the time the completed application is received in the office until the date the license is renewed in the agency regulatory database. A renewal application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed through annotation that includes a signature, along with the date of annotation.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: The agency date stamps mail received. The agency maintains a copy of the date stamped document(s) that completed each application. The agency records the date that the document(s) that completed each application was received (or annotated). The agency regulatory database records the date that each license is renewed. A query is used to determine the set of licenses renewed during a given reporting period and may be sorted to indicate whether the renewal was processed online or in the office and the date the renewal was issued. A quarterly log is maintained on every license renewed in the office each fiscal quarter. The log includes the date the application was complete, the date each license was renewed and the number of days after the completed application was received that each license was renewed.

Methodology: The average of the number of calendar days elapsed between the receipt of each completed renewal application received during the reporting period and the time that each license is renewed in the agency regulatory database. This measure is calculated by dividing the total number of days to renew all licenses during the reporting period by the total number of licenses renewed during the same period. The result is multiplied by 100 to achieve a percentage.

Purpose: This measure indicates TBPG's efficiency in processing renewal applications.



### **Explanatory 01-01-01-01 Total Number of Individuals Licensed**

Definition: The total number of individuals holding current licenses at the end of the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: The total number of individuals currently licensed is available through the agency regulatory database.

Methodology: The total number of licensees indicated in the agency regulatory database that hold licenses that are not expired and are current at the end of the reporting period.

Purpose: This measure indicates the total number of individuals licensed at the end of the reporting period.

### **Explanatory 01-01-01-02 Average Time for Individual License Issuance**

Definition: The average number of calendar days from the date that completed applications were received until the date that a license has been issued. An application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed through annotation that includes a signature, along with the date of annotation.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: The agency date stamps mail received. The agency maintains a copy of the date stamped document(s) that completed each application. The agency records the date that the document(s) that completed each application was received (or annotated). The agency regulatory database records the date that each license is issued. A query is used to determine the set of licenses issued during a given reporting period and the date each license was issued. A quarterly log is maintained on every license issued each fiscal quarter. The log includes the date the application was complete, the date each license was complete, the date each license was issued and the number of days after the completed application was received that each license was issued.

Methodology: The average of the number of calendar days elapsed between the receipt of each completed application received during the period and the time that a license was issued. This measure is calculated by dividing the total number of days to issue all licenses during the reporting period by the total number of licenses issued during the same period. The result is multiplied by 100 to achieve a percentage.



Purpose: This measure indicated TBPG's efficiency in processing the initial application for a license.

**Output 01-01-01-01 Number of New Licenses Issued to Individuals**

Definition: The number of new licenses issued to individuals during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: The agency regulatory database records the date that each license is issued. A query is used to determine the set of licenses issued during a given reporting period and the date each license was issued.

Methodology: Total the number of new licenses issued during the reporting period. Those individuals who had a license in the previous reporting period are not counted. A report generates the name, license number and date of issuance for each individual issued a license during the reporting period.

Purpose: This measure provides data relating to the number of individuals desiring to be initially licensed by TBPG and who have successfully met all of the licensing criteria.

**Output 01-01-01-02 Number of New Firms Registered**

Definition: Total number of new firms registered during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this data.

Data Source: The agency regulatory database records the date each firm registration is issued. A query is used to determine the set of firm registrations issued during a given reporting period and the date each firm registration was issued.

Methodology: Total the number of new firm registrations issued during the reporting period. Firms registered in previous reporting periods will not be counted. A report generates the name, registration number and date of issuance for each firm issued a registration during the reporting period.

Purpose: This measure provides data concerning the number of new firms that register with the TBPG enabling them to legally offer and practice geoscience before the public in Texas.



### **Output 01-01-01-03 Number of Licenses Renewed (Individuals)**

Definition: The Number of licensed individuals who renewed their license during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: All license renewals whether completed online or in the office, are renewed in the agency regulatory database. The agency regulatory database provides a report of all of the licenses that were renewed in a given reporting period.

Methodology: Total the number of licenses renewed during the reporting period.

Purpose: This measure provides data relating to the number of individuals choosing to remain licensed by TBPG.

### **Output 01-01-03-01 Number of Information Requests**

Definition: The total number of requests received through written open records requests and requests for information packets and other agency information made via phone, fax or email.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: Log of all open records requests and requests made for agency information packets.

Methodology: Total the number of requests received from written open records requests and requests for information packets and other agency information made via phone, fax or email.

Purpose: This measure indicates the number of requests for information regarding agency laws, rules, policies and programs.

### **Output 01-01-03-02 Number of Information Packets Distributed to Individuals & Establishments**

Definition: The total number of agency information packets, which include pamphlets, brochures and newsletters, distributed to the general public, schools, students and licenses.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: Individual staff members track the number of information packets they distributed each quarter.

Methodology: The sum of the information packets distributed by each staff member during the reporting period.

Purpose: To distribute agency information to the general public and our licensees.



### **Efficiency 02-01-01-01 Average Time for Complaint Resolution (Days)**

Definition: The average number of calendar days to resolve a complaint, for all complaints resolved during the reporting period. A complaint is resolved when it is dismissed without a recommendation of disciplinary action by a TBPG Complaint review Team or when it is closed with a disciplinary action taken by the full Board as authorized by statute.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints closed during the reporting period can be queried and the set determined. A query can also provide number of days for each complaint to be resolved. The number of days for each complaint to be resolved is calculated by counting the number of days from the date the complaint was opened until the date the complaint was resolved.

Methodology: The sum of the number of calendar days elapsed between the receipt of each complaint resolved during the reporting period and the resolution of that complaint divided by the number of complaints resolved during that period.

Purpose: This measure indicates the effectiveness of investigative and complaint resolution processes by TBPG.

### **Explanatory 02-01-01-01 Jurisdictional Complaints Received**

Definition: The total number of jurisdictional complaints received from a member of the public or initiated by the agency in accordance with the Texas Occupations Code 1002.154.

Data Limitations: Some complaints opened by the agency may later be determined to not be in the jurisdiction of the Board. The process allows for the identification of non-jurisdictional complaints early in the process. However, it is possible that a complaint that was thought to be within the jurisdiction of the Board in the early stages of the initial review, investigation, and investigation review processes could later be determined by the full TBPG Board to not be within the jurisdiction of the Board. A complaint shall be included in this data set if, during the reporting period in which the complaint was opened, the complaint has not been determined to not be within the jurisdiction of the Board.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints opened during the reporting period can be queried and the set determined.

Methodology: The sum of all complaints received during the reporting period minus those complaints closed for lack of jurisdiction during the reporting period.

Purpose: This measure indicates the case workload of TBPG.



### **Output 02-01-01-01 Complaints Resolved**

**Definition:** The total number of complaints resolved during the reporting period. A complaint is resolved when it is dismissed without a recommendation of disciplinary action by a TBPG Complaint Review Team or when it is closed with a disciplinary action taken by the full Board as authorized in statute.

**Data Limitations:** There is nothing that prevents the agency from providing the summary data related to the resolution of complaints.

**Data Source:** All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints resolved during the reporting period can be queried and the set determined.

**Methodology:** The sum of complaints closed during the reporting period upon which final action was taken by the Board or Agency or for which a determination is made that a violation did not occur minus non-jurisdictional complaints during the same reporting period.

**Purpose:** This measure reflects the efforts of TBPG's enforcement activities to resolve complaints.

### **Output 02-01-01-03 Number of Compliance Orders Issued**

**Definition:** The total number of Compliance Orders issued during the reporting period. Compliance Orders include but are not limited to non-disciplinary cease and desist letters issued to individuals and firms upon 60 days of expiration of a license or registration, non-disciplinary advisory or warning complaint closure letters and Board orders issued.

**Data Limitations:** There is nothing to prohibit the TBPG from gathering this information.

**Data Source:** The agency regulatory database creates a monthly electronic file with 60-day cease and desist notices for appropriate Professional Geoscientists and firms. The file is maintained electronically and includes the individual letters that were sent out. The agency also keeps copies of all complaint closure letters and all Board orders issued.

**Methodology:** The sum of non-disciplinary cease and desist letters issued to individuals of firms upon 60 days of expiration of a license or registration; non-disciplinary advisory or warning complaint closure letters; and Board orders issued during the reporting period.

**Purpose:** This measure reflects the number of TBPG's enforcement activities which require the issuance of a Compliance Order.



## **Output 02-01-01-04 Number of Disciplinary Actions Taken**

Definition: The total number of disciplinary actions taken by the Board during the reporting period. A Board Order imposing disciplinary action against a licensed Professional Geoscientist, a registered firm, a certified Geoscientists-in-Training, an unlicensed individual, or an unregistered firm may include more than one sanction. For the purposes of this measure a single disciplinary Board Order shall be considered one disciplinary action. The measure, therefore, is the total number of Board Orders imposing disciplinary action against a licensed Professional Geoscientist, a registered firm, a certified Geoscientist-in-Training, an unlicensed individual or an unregistered firm during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Data Source: A list of Board Orders is derived from agency regulatory database. A disciplinary action is defined under Statute 1002.403. Disciplinary actions are kept in performance measure quarterly reports and in complaint investigation files.

Methodology: The sum of disciplinary Board Orders taken by the Board during the reporting period.

Purpose: This measure reflects the number of TBPG's complaint cases which resulted in disciplinary action by the Board.



## APPENDIX E

### FISCAL YEARS 2014 – 2015 WORKFORCE PLAN

#### Agency Overview

The Texas Board of Professional Geoscientists regulates the non-exempt public practice of geoscience. Core staff activities include:

- Reviewing applications for licensure/issuing new licenses to qualified applicants
- Facilitating the TBPG's Appointed Board's review of waiver requests (of license requirements) for appropriate action
- Processing license, registration and certification renewal applications
- Investigating complaints against unlicensed individuals and firms and the TBPG's licensees, registrants, and certification holders and facilitating the TBPG Appointed Board's review of proposed disciplinary action for appropriate action
- Facilitating the TBPG Appointed Board's activities related to its review of individual issues (complaint case reviews and application and waiver request reviews)
- Providing information to the public regarding the regulation of the non-exempt public practice of geoscience by the TBPG
- Providing customer service to licensees, registrants, and certification holders and the general public related to TBPG's programs
- Completing administrative tasks related to the operation of the TBPG as a state agency (fiscal processes, human resources processes, interacting with and providing reports to "oversight" state agencies and Legislative entities)
- Implementation of/ensuring compliance with existing and newly passed federal and state law

The agency notes the following issues that need to be tracked more closely over the next biennium:

- Utilization of the system the agency has set up that integrates the review process of initial applications for Professional Geoscientist licensure (including examination requests), Geoscience Firm registration, and Geoscientist-in-Training certification programs with the agency regulatory database so that new licenses, registrations and certifications are issued and tracked efficiently and effectively
- Utilization of the system the agency has set up that integrates the online and "in-house" Professional Geoscientist licensure, Geoscience Firm registration, and Geoscientist-in-Training certification renewal processes with the agency regulatory database so that new licenses, registrations and certifications are issued and tracked efficiently and effectively.



- Utilization of the system the agency has set up that integrates the investigation and adjudication of complaints against licensees, registrants, and certificate holders with the agency regulatory database.
- Implementation of SB 138 passed in the 83<sup>rd</sup> Regular Texas Legislative Session

A great deal of TBPG staff time has been and will continue to be spent in daily operations (completing implementing administrative, financial, licensing and enforcement functions).

The agency's workforce needs are expected to change with the implementation of SB 138, but these changes are expected to be managed with some existing staff changing how work time is allocated. It is expected that there will be a decrease in the amount of staff time spent working on the planning and implementation of training and outreach activities related to the implementation of SB 138 (because many of these activities will be complete). It is also expected that there will be a corresponding increase in complaints (and the staff time relating to the investigation and adjudication of complaints).

The agency continues to need staff that can implement existing systems and processes and develop and refine work systems as the needs of the agency change over time.



## CURRENT WORKFORCE PROFILE (SUPPLY ANALYSIS)

There are many important that must be performed by the agency. Over time, the TBPG Executive Director has made some adjustments to the agency's use of positions, detailing key duties and responsibilities in position descriptions and completing annual evaluations of staff performance. This strategy has maximized the utilization of staff resources appropriated to the agency. At this time, the agency has particularly highly skilled staff in place in key positions. This ensures that the agency can manage all of its fiduciary responsibilities.

### A. Critical Workforce Skills

There are several critical skills that are important to the agency's ability to operate. TBPG has dedicated its focus on workforce planning issues that will address the most critical areas in the agency. These issues include placing greater emphasis on employees with knowledge, skills and abilities in management and leadership, flexible budgeting, development of work systems and policy, licensing and related customer service; enforcement, and implementing outreach programs/communications systems. Key knowledge, skills and experience include:

- Leadership and management skills
- High level communications skills
- Implementation of an effective licensing and enforcement database product
- Revenue/budget tracking and reporting of performance measures
- Conducting complaint investigations; adjudicating complaints involving violations
- Maintaining licensing functions (applications reviews, coordination of renewal and late notices, consumer service/support, etc.) and developing new programs
- Interpreting legal statutes and developing policy
- Human resource knowledge

### B. Workforce Demographics

The following charts profile the agency's workforce as of May 30, 2014. The agency's workforce is comprised of 71% females and 29% males. Over 86% of the employees are over the age of 40. The percentage of employees with less than five years of state experience stands at 14%.

### C. Employee Turnover

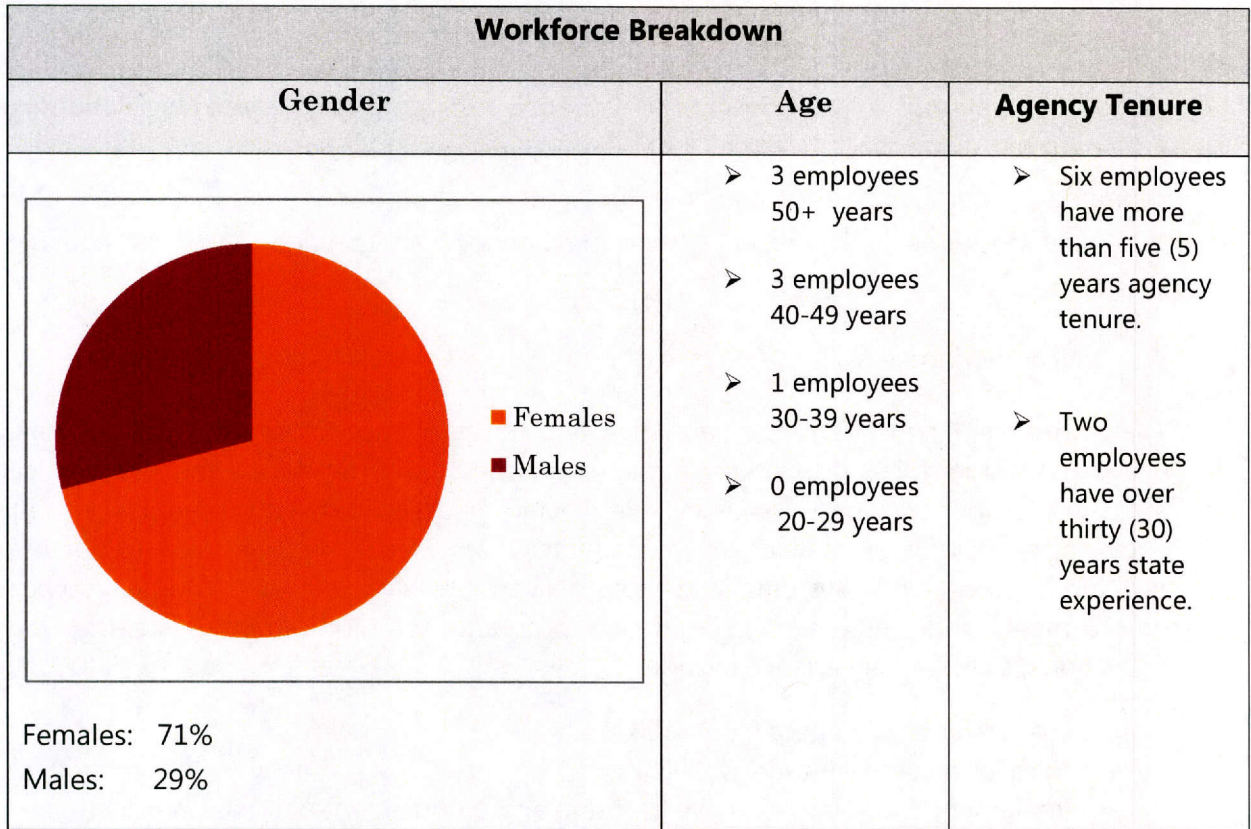
Turnover is an important issue in any organization and TBPG is no exception. The agency turnover rate in Fiscal Year 2014 was 25%.

### D. Retirement Eligibility

During fiscal years 2014 -2019, one employee is eligible to retire. One employee is retired from state government. It is important to ensure that the agency's institutional knowledge and organizational experience be preserved.



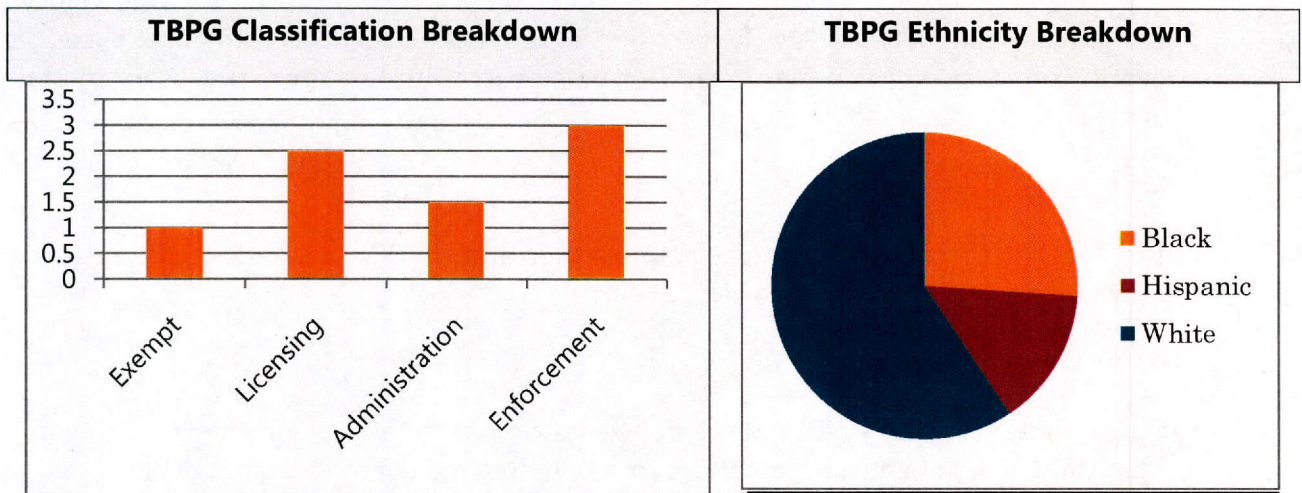
Figure 1: Workforce Breakdown



The agency is authorized 8 full time employees. There are currently 7 employees who are on staff to execute the functions of the agency.

The ethnic distribution of the staff is 29% Black, 14% Hispanic and 57% White. The following tables compare the classes and ethnicity of the agency.

Figure 2: Classification Breakdown & Figure 3: TBPG Ethnicity Breakdown





## Future Workforce Profile (Demand Analysis)

The demand for an effective regulatory model means TBPG will have to revise current processes and reorganize business units. As a result, these are the changes we anticipate in our workforce:

### A. Critical Functions

- Implementation of an effective licensing and enforcement database product
- Revenue/budget tracking and reporting of performance measures
- Conducting complaint investigations; adjudicating complaints involving violations
- Maintaining licensing functions (application reviews, coordination of renewal and late notices, consumer service/support, etc.) and developing new programs
- Interpreting legal statutes and developing policy

### B. Anticipated Workforce Changes

- Increased use of technology to revise and streamline work processes
- Employees cross-trained in functional areas

### C. Anticipated Increase/Decrease in Number of Employees Needed to Do the Work

The agency's current level of FTEs appears to be sufficient to complete its mission in the future. However, any reductions could jeopardize the agency's ability to continue to meet its objectives and responsibilities.

- At the beginning of 2014 the roles of TBPG staff were redefined to better utilize the knowledge, skills and abilities of existing staff.
- Three staff members, including an Enforcement Coordinator, an Enforcement Specialist and an Administrative Assistant are assigned to enforcement efforts.
- Two staff members, including the Licensing Coordinator and an Administrative Assistant are assigned to licensing and related efforts.
- One staff member fulfills the agency's needs in the roles of Chief Financial Officer, Risk Management Coordinator, Human Resources Office and related functions.
- One staff member serves to coordinate activities related to the informational services strategy.
- The agency has employed the use of technology to minimize the number of staff needed to complete necessary duties and fulfilling responsibilities of the agency.



#### D. Future Workforce Skills Needed

To administer the Texas Geoscience Practice Act effectively, the agency relies on a competent and knowledgeable staff. In addition to the critical competencies listed before, these are additional ones essential for the agency to maintain in its staff in the future:

- Change Management
- Process analysis
- Collaboration
- Negotiation and facilitation
- Project management
- Performance management
- Strategic planning
- Leadership and management skills
- High level communication skills
- Human resource knowledge
- Database management
- Web management
- External communication
- Publication skills



**APPENDIX F**

**SURVEY OF EMPLOYEE ENGAGEMENT RESULTS**

The Texas Board of Professional Geoscientists strives for high standards of quality and public service. Those are only attained with a staff that is dedicated, experienced and enthusiastic.

During the month of December 2013, TBPG staff was given the opportunity to participate in the Survey of Employee Engagement (SEE). TBPG considers the data gathered from the survey to be valuable in planning for the future.

TBPG had 88% participation in the survey. Out of the 8 employees who were invited to take the survey, 7 responded. As a general rule, rates higher than 50 percent suggest soundness. High rates indicate that employees have an investment in the TBPG, want to see the organization improve, and generally have a sense of responsibility to the organization.

This survey period found the following areas of strength and concern:

Areas of Strength

Strategic

Supervision

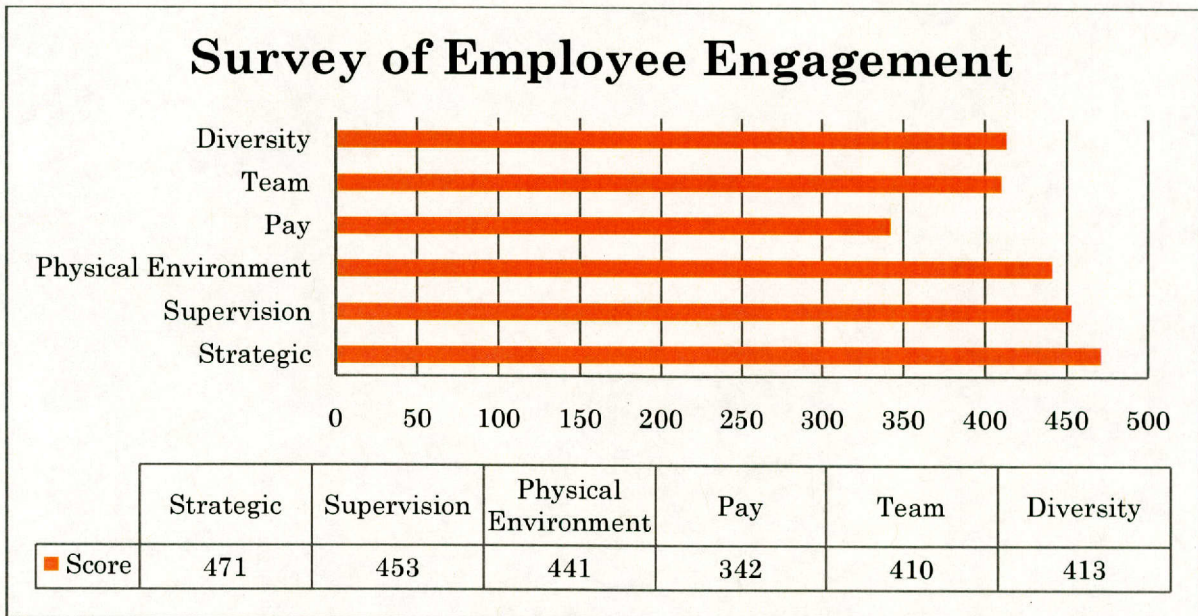
Physical Environment

Areas of Concern

Diversity

Team

Pay



Agency staff members view the organization’s strategic constructs as a strength. This reflects employees’ thinking about how the organization responds to external influences that play a role in defining the TBPG’s mission, vision and services. The high score indicates employees view the TBPG as able to quickly relate its mission and goals to



environmental changes and demands. It is viewed as creating programs that advance the organization and having highly capable means of drawing information and meaning from the environment.

Supervision also scored high. This provides insight into the nature of supervisory relationships within the TBPG, including aspects of leadership, the communication of expectations and the sense of fairness that employees perceive between the Executive Director and themselves.

Staff related the Team and Diversity constructs lower than other areas, except pay. However the scores both constructs were above the threshold scores to consider the areas an organizational concern.

Staff perception of pay yielded the lowest score. The score is most likely related to the continue rise of grocery, utility, gasoline and housing costs and the perception that salaries area not keeping pace with the cost of living in the Austin metro area.

TBPG Administration has taken this information very seriously. The agency has a goal to continue to provide an atmosphere that encourages all employees to develop professionally to their fullest potential. TBPG leadership will continue to review its practices so that employees will have confidence in the administration's commitment to improve the workforce.



NOTES





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