



## The Attorney General of Texas

July 5, 1984

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An Equal Opportunity/  
Affirmative Action Employer

Mr. Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources  
P. O. Box 2960  
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Open Records Decision No. 420

Re: Whether job audit materials are available to the public under the Open Records Act

Dear Mr. Johnston:

You have been asked to release certain materials used in "job audits" of employment positions in the Department of Human Resources. You have advised us that:

[a] job audit is the process of determining facts about the duties and responsibilities of a position of employment. The audits ensure proper classification and pay group alignments and maintain the integrity of the classification system mandated by the State Position Classification Act.

The requestor has asked for copies of the following materials regarding specific individuals:

1. Form 4073, Job Audit Request.
2. Form 4070, Position Classification Questionnaire.
3. Form 4071, Position Classification Interview Guide.
4. Form 4072, Position Classification Audit Review.
5. Report of findings and classification decision referred to in Personnel Handbook Item 1968.
6. Point totals derived from plotting degrees of independence and planning on the matrix referred to in Personnel Handbook Item 1990.

You advise that items 5 and 6, the "report of findings" and the "point totals", respectively, are both contained within Form 4072; so they will be treated as such.

While you agree that Forms 4070 and 4073 must be disclosed, you contend that you may deny the request for Forms 4071 and 4072 because they

contain evaluation ratings used by the DHR [Department of Human Resources] Classification Office as a guide in arriving at the proper classification of a position. Degrees within each major factor measured in the classification process . . . represent a scale of values. These values are used as guides in arriving at a mathematical evaluation of a position. This mathematical judgment is then equated to a salary group. Thus, the forms requested are the work papers that detail the judgments made by the audit. They are the preparatory documents used in arriving at the final classification decision. To release these forms would reveal the internal deliberative process of the public's decisionmaker.

You contend that the following exceptions in article 6252-17a, V.T.C.S., allow you to decline the release of such information.

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

. . . .

(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than one in litigation with the agency . . . .

In order to examine the conclusion you reach based on your characterization of the materials sought, we first note that Form 4073 is just what it is called, a request for a job audit, and that Form 4070

is a set of questions completed by employees concerning duties and responsibilities of a position to be analyzed and evaluated.

TDHR Personnel Handbook, Item 1920. Likewise, Form 4071 is defined in Item 1920 of the Personnel Handbook as

a listing of factors divided into degrees which represent varying amounts of the factor which may

be required of the employee to perform assigned duties. This document guides an interview with the employee and is required documentation for a classification decision.

Finally, Form 4072 is simply a summary page which provides space for (1) descriptive information about the position like that contained on the first page of both Forms 4070 and 4071, (2) the list of rating factors from the last page of Form 4071 with space for the rating and point totals, (3) a place to check "Approved" or "Returned" and a space to make "Comments."

It should be noted that the methodology of the job audit, which is set out in detail in part 1900 of the TDHR Revised Handbook, includes the ratings factors which are listed on both Form 4071 and 4072, as well as the definitions and weights. Hence, since nothing which is not already public information is contained on a blank Form 4072, there is no basis for not disclosing the blank Form 4072 itself. Regarding blank Form 4071, then, the only information not specifically disclosed elsewhere is the listing of descriptive statements regarding the various "degrees" attributed to each of the ratings factors which are listed in Item 1951 of the TDHR Personnel Handbook. You seek to draw an analogy between these "degrees" and examination questions which have been held to be protected from disclosure. Open Records Decision No. 118 (1976); Attorney General Opinions H-483, H-242 (1974). Your analogy is defective simply because a job audit is not like a test or an examination. The definitions which correspond to the different "degrees" assigned to the various ratings factors are nothing more than word pictures of the numerical ranking and are not protected from disclosure by exception (1) or any other exception. Hence, blank Form 4071 must also be disclosed.

Turning to the completed Forms 4071 and 4072, we must examine your assertion of the applicability of exception (11). Since H-436 (1974) it has been settled that this exception is

designed to protect from disclosure advice and opinion on policy matters and to encourage open and frank discussion between subordinate and chief concerning administrative action.

Attorney General Opinion H-436 further held that

factual information . . . [must] be severed from the portion [of such materials] containing opinion and advice and is to be disclosed.

Subsequently, it was concluded that factual information may be withheld if it

is incidental to and so intertwined with the evaluations and recommendations that we do not believe it is not reasonably severable.

Open Records Decision No. 174 (1977); see also Open Records Decision No. 110 (1975). Hence, our determination regarding disclosure of the information entered on Forms 4071 and 4072 turns on whether it is "factual" or "opinion and advice"/"evaluations and recommendations."

Job audits are described in Item 1960 of the TDHR Personnel Handbook as follows:

No classification action of any kind will be taken without a complete job audit or authorization from the assistant commissioner for personnel administration.

Before arranging for a job audit interview, the classifier must understand:

1. The function of the organizational entity in which the job is located.
2. The reason for the existence of the job.
3. The requirements for job performance.
4. Any other significant characteristics which would achieve better understanding of the job.

To organize the job audit, the classifier should:

1. Study the completed position classification questionnaire to learn about the distinctive features of the job.
2. Interview the employee currently assigned to an authorized position or a designated individual who has complete knowledge of duties and responsibilities of the position to be audited. The purpose is to gather facts, observe work methods and processes, and clarify questions. The classifier also should interview as many other individuals as may be required to document the audit.
3. Compare factors and degrees of jobs audited with factors and degrees of benchmark jobs at:

- a. The next higher salary group level.
  - b. The next lower salary group level.
  - c. The same salary group level.
4. Compare the job being audited with other jobs in the same office.
  5. Review the audit findings with another classification officer or the regional director of personnel.

These factors provide the frame of reference for evaluation purposes and lead classifiers to the right choices in grade level and class identification.

The final step is the determination of the class number which compares most favorably with the audit findings.

It should be noted that there is a series of reviews in reaching a classification decision. Factors other than job responsibilities must not be used to influence decision.

This is a description of a process in which the "classifier" assembles, analyzes, and quantifies facts about a job. The job auditor compares the information received with established benchmarks and assigns numerical ratings to the data to obtain points for each factor.

Indeed, an examination of the samples of completed forms supplied by you establishes that the verbal entries made by the "classifier" on a Form 4071 are almost totally derivative from the information supplied by the employee on Form 4070, which you have conceded is available. Likewise, the notations of numerical ratings merely constitute the quantification of the data assembled about the position being audited. We believe that this information falls within the holding of Open Records Decision No. 211 (1978).

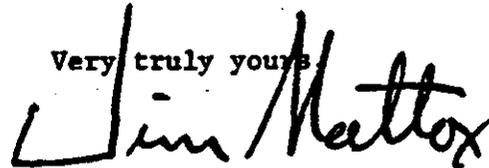
In the context of the materials before us, the exception does not apply to information reflecting the audit program, procedures, the analyses and comparisons made, or the information considered and compiled by the auditors in such studies. Briefly, it does not apply to what the auditors

did or to the facts on which the auditors based their final conclusions and recommendations.

See also Austin v. City of San Antonio, 630 S.W.2d 391, 394 (Tex. App. - San Antonio 1982, writ ref'd n.r.e.).

Of course, it is appropriate to withhold both the recommendations of the job auditor, which are contained on Form 4071, as to whether the position should be reclassified and, if so, to what classification, and the comparable notations in the State Office Review section of Form 4072, which constitute opinions and recommendations. Open Records Decision No. 211 (1978). To the extent that such information is transferred back on to the Form 4073, which you have agreed should be disclosed, it obviously must be made available. Since you have informed us that no Forms 4073 were used in the instant cases, our conclusion applies to the information described in whatever format it appeared.

Very truly yours,



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