

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION.

§26.85. Report of Workforce Diversity and Other Business Practices.

- (a) **Purpose.** This section establishes annual reporting requirements for telecommunications utilities to report its progress and efforts to improve workforce diversity and contracting opportunities for small and historically underutilized businesses from its five-year plan filed pursuant to the Public Utility Regulatory Act (PURA) §52.256(b).
- (b) **Application.** This section applies to all telecommunications utilities, as defined in PURA §51.002(11), doing business in the State of Texas. This section does not apply to a deregulated company that holds a certificate of operating authority or to an exempt carrier under PURA §52.154.
- (c) **Terminology.** In this section, “small business” and “historically underutilized business” have the meanings assigned by the Texas Government Code §481.191.
- (d) **Annual progress report of workforce and supplier contracting diversity.** An “Annual Progress Report on Five-Year Plan to Enhance Supplier and Workforce Diversity” shall be filed annually with the commission. The report shall be filed on or before December 30 of each year for the four prior quarters ending on September 30 of the year the report is filed. A telecommunications utility that was not operational on January 1, 2000, and is required to file pursuant to PURA §52.256(b), shall file a plan in Project Number 21170 by December 30 of the year in which an annual report is due under this subsection.
- (e) **Filing requirements.** Four copies of the Annual Progress Report on Five-Year Plan to Enhance Supplier and Workforce Diversity shall be filed with the commission’s filing clerk under the project number assigned by the Public Utility Commission’s Central Records Office for that year’s filings. Telecommunications utilities shall obtain the project number by contacting Central Records. A copy of the report shall also be sent to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the African-American and Hispanic Caucus offices of the Texas Legislature.
- (f) **Contents of the report.** The annual report filed with the commission pursuant to this section may be filed using the Workforce and Supplier Contracting Diversity form or an alternative format and shall contain at a minimum the following information:
 - (1) An illustration of the diversity of the telecommunications utility’s workforce in the State of Texas at the time of the report. If the telecommunications utility is required to file an Equal Opportunity Report pursuant to §26.79 of this title (relating to Equal Opportunity Reports), a copy of that document may be attached to this report to satisfy the requirements of this paragraph.
 - (2) A description of the specific progress made under the workforce diversity plan filed pursuant to PURA §52.256(b), including:
 - (A) the specific initiatives, programs, and activities undertaken during the preceding year; and
 - (B) an assessment of the success of each of those initiatives, programs, and activities.
 - (3) An explanation of the telecommunications utility’s level of contracting with small and historically underutilized businesses in the State of Texas.
 - (4) The extent to which the telecommunications utility has carried out its initiatives to facilitate opportunities for contracts or joint ventures with small and historically underutilized businesses.
 - (5) A description of the initiatives, programs, and activities the telecommunications utility will pursue during the next year to increase the diversity of its workforce and contracting opportunities for small and historically underutilized businesses in the State of Texas.

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- (g) This section may not be used to discriminate against any citizen on the basis of race, nationality, color, religion, sex, or marital status.
- (h) This section does not create a new cause of action, either public or private.
- (i) **Waiver.** A telecommunications utility that has less than sixteen employees in the State of Texas satisfies the requirements of this rule by completing subsection (f)(1) of this section.