

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 a telecommunications utility 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 in accordance with the Public Utility Regulatory Act (PURA) §52.256(b).
- (b) **Application.** This section applies to a telecommunications utility, as defined in PURA §51.002(11), doing business in the State of Texas. This section does not apply to a company that holds a certificate of operating authority, a company that holds a service provider certificate of operating authority, a registered interexchange carrier, or an exempt carrier that meets the criteria of PURA §52.154.
- (c) **Terminology.** In this section, “small business” and “historically underutilized business” have the meaning 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” must be filed annually with the commission. The report must 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 telecommunication utility that was not operational on January 1, 2000, and is required to file in accordance with PURA §52.256(b), must 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 must 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. A Telecommunications utility must obtain the project number by contacting Central Records. A copy of the report must 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 in accordance with this section must be filed using the Workforce and Supplier Contracting Diversity form or an alternative format prescribed by the commission and must contain 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 in accordance with §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 in accordance with 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.

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

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

- (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.