



## OFFICE OF INJURED EMPLOYEE COUNSEL

NORMAN DARWIN, PUBLIC COUNSEL

June 30, 2011

Michelle Tooley  
Risk Management Specialist  
Risk Assessment and Loss Prevention  
Texas State Office of Risk Management

Re: Risk Management Program Review conducted April 7, 2011

Dear Ms. Tooley:

We appreciated the opportunity to meet with you and to discuss our agency's Risk Management Program. Attached is the Office of Injured Employee Counsel's (OIEC) action plan to address SORM's recommendations:

### **11-04-01 Risk Evaluation and Planning System (REPS)**

SORM recommends that the OIEC complete all unanswered questions and make appropriate corrections to the Survey and Frequency/Severity and Mitigating sections of REPS within 90 days. SORM further recommends that SOAH perpetually maintain the information on the system and use the Risk Management Plan and other risk management reports as general guidelines for administering the agency's risk management program.

*Reference:* RMTSA guidelines, Volume I, Section One, Chapter 3.

### **OIEC Action Plan:**

The Associate Director of Operations, Erick Dunaway and the Staff Services Officer, Catherine Waltman will review and update all questions in the Online SORM Risk Evaluation Survey. Mr Dunaway and Ms. Waltman will make all appropriate corrections and entries into the Online SORM Risk Evaluation and Planning System to include the Frequency/Severity and Mitigating sections within the 90 day period.

### **Estimated Date of Completion:**

As of June 30, 2011 OIEC has reviewed and updated all sections of the Online SORM Risk Evaluation and Planning System and will use the Risk Management Plan and other risk management reports as general guidelines for administering OIEC's risk management program where appropriate for the agency.



## OFFICE OF INJURED EMPLOYEE COUNSEL

NORMAN DARWIN, PUBLIC COUNSEL

### **11-04-02 Business Continuity Plan (BCP) for TDI, DWC and OIEC**

SORM recommends that The Office of the Injured Employee Counsel, Department of Workers Compensation (DWC) and the Texas Department of Insurance (TDI) risk managers and BCP team meet in FY12 to discuss the BCP document provided for the RMPR. The Office of the Injured Employee Counsel is administratively attached to the TDI and shares a location with the DWC. Further analysis of this document is required to determine if all parties needs have been addressed.

*Reference:* <http://www.fema.gov/about/org/ncp/coop/index.shtm> FEMA: Continuity of Operations Guidelines.

### **OIEC Action Plan:**

OIEC is working closely with the Texas Department of Insurance to update and consolidate the Disaster Recovery/Business Continuity Plans. OIEC will maintain its own Disaster Recovery/Business Continuity Plan but due to the administrative attachment and physical collocation with TDI, OIEC will continue to refer to TDI's plan where services, facilities, and IT support are provided and controlled solely by TDI.

### **Estimated Date of Completion:**

OIEC plans to have the Disaster Recovery/Business Continuity Plan revisions updated and completed by Spring of 2012.

### **11-04-03 Development of a Risk Management Program for the OIEC**

Each state agency covered by Texas Labor Code Chapter 412 shall develop and implement a Risk Management Program to protect their employees, the general public, and the state's physical and financial assets by reducing and controlling risk. The OIEC is in the process of developing an independent risk management program as required by statute. SORM recommends that the risk manager at the OIEC work with the TDI and DWC risk managers to continue developing their own independent risk management and return to work programs. In sections of the program where DWC or TDI assist in managing your agency's risks, MOU's should be written outlining each entity's responsibilities, mechanisms for providing feedback regarding inspections, fire drills, workers compensation claims, accident investigations, etc. Regular meetings between the OIEC, DWC and TDI risk managers should be established throughout the year to discuss common areas of the risk management program and to receive updates on their status.

*Reference:* Texas Administrative Code, Title 28, Part 4, Chapter 252, Subchapter B; Rule 252.201 State Risk Management Guidelines

RMTSA guidelines, Volume I, Section Three, Chapter 1.

### **OIEC Action Plan:**

OIEC will update and revise its Risk Management Program to ensure that all requirements in the Texas Labor Code Chapter 412 are being met. OIEC is administrative attached to TDI, and as such TDI assists and/or provides OIEC with several services and functions including but not limited to, Facilities, ITS, Purchasing, Accounting, Safety and Health Risk Management Services, and Human Resources. For this reason, OIEC must rely on policies and procedures developed by TDI in some of these areas where OIEC has no staff or resources dedicated. OIEC will incorporate TDI's policies and procedures where applicable into its program to ensure that all aspects are covered.



## OFFICE OF INJURED EMPLOYEE COUNSEL

NORMAN DARWIN, PUBLIC COUNSEL

OIEC will establish a plan to meet with the TDI's Risk Manager on a Quarterly basis. These meetings will be used to review issues dealing with workers' compensation claims and accident investigations to ensure that any commonalities are identified and addressed in the appropriate manner. This will help provide both OIEC's and TDI's staff with a safe work environment. Safety inspections, fire drills, and security issues will be analyzed to ensure employees, the general public, and the State's physical and financial assets are protected.

### **Estimated Date of Completion:**

OIEC will work to develop and update its existing Risk Management Program over the next several months to complete this recommendation by February 2012. Risk Manager Meetings will start with the new fiscal year in September 2011.

Thank you for your helpful safety recommendations. If you have any questions or need additional information please don't hesitate to contact me at 804-4186.

Sincerely,

A handwritten signature in blue ink that reads "Brian White".

Brian White  
Deputy Public Counsel