

ACTION PLAN

Agency Name: Office of Injured Employee
Counsel

Date of Visit: 11/18/2015

Agency Number: 448

SORM Risk Manager: Christine Wright

Recommendation: 16-11-01 Workers' Compensation – Lag Time

Details: While reviewing the workers' compensation claims data that was prepared by SORM for this RMPR, it was noted that the lag time for all four fiscal years reported (FY11-FY15) were in excess of 35 days. Lag time is defined as the difference in time between the date of the injury and the date that it is reported to SORM. Injuries should be reported by the injured worker to their supervisor within 24 hours, but no later than 30 days. SORM recommends that OIEC meet with TDI's Workers' Compensation Claims Coordinator to determine why the lag times are excessive and to implement procedures to shorten the lag time. The goal is to have claims reported to SORM within 72 hours.

Reference: SORM website - <https://www.sorm.state.tx.us/claims-coordinator-handbook-overview/claims-coordinator-responsibilities>; RMSTA Guidelines Volume III, Section One, Chapter 2 – Workers' Compensation Program; The Texas Workers' Compensation Act, Texas Labor Code, Title 5

Current Status of Recommendation (check appropriate box and comment below):

- Recommendation has already been completed
Completion Date: 12/11/2015
- Will implement with a target date of completion
Target Date: [Click here to enter a date.](#)
- No Plans to implement

Comments:

OIEC met with TDI's Claim Coordinator and Risk Management Team and will implement and adopt the process currently in use by TDI. All claims will be entered as incidents into RMIS as soon as OIEC is notified. This should drastically reduce the lag time in reporting incidents/claims.

Name: Erick Dunaway

Title/Position: Associate Director of
Operations/Risk Manager

Date: 12/11/2015

Recommendation: 16-11-02 Risk Management: Compliance – Property and Casualty Claims

Details: Pursuant to the Texas Labor Code, Chapter 412.053, each state agency shall report property and casualty loss information to SORM. This information is used to identify, analyze, and assess the losses incurred by each agency, and by the state as a whole. With this information, OIEC and the state can develop programs to control the identified risks. The Property and Casualty Database, within SORM's Risk Management Information System (RMIS), is designed to capture this information, and has the capability to generate reports based on the data submitted.

While the agency is entering property and casualty claims into the SORM Risk Management Information System (RMIS), there is one claim dating back to 2010 that remains open in the system. Lastly, claim expenses such as repair costs, litigation and settlement/judgment amounts are not being entered into the database. SORM recommends the following:

- A) Develop a procedure by which all OIEC departments notify the agency risk management department about all claims so they can be entered into the RMIS database;
- B) Update the SORM RMIS property and casualty claims database to appropriately close the open claims within the system;
- C) Ensure any and all Professional Liability/Employment Liability Claims are entered into the property and casualty database in addition to the quarterly update on the bordereau report;
- D) Update all claims that incurred costs with the total cost of the claim. This would include expenses such as repair costs to agency property/equipment and 3rd party property/equipment, costs of litigation and/or settlements/judgments.

A link to the RMIS system can be found here:

<https://www.sorm.state.tx.us/sorm/pages/SORMLogin.html>

Reference: Texas Labor Code Section 412.053.

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- Will implement with a target date of completion
Target Date: [Click here to enter a date.](#)

- No Plans to implement

Comments:

Recommendation A) OIEC has a process in place where the Director of Legal Services notifies the Risk Manager of all Professional Liability/Employment Liability Claims. All property and casualty claims are handled by the Risk Manager and entered into the RMIS system.

Recommendation B) OIEC did not have any Professional Liability/Employment Liability or property and casualty claims in 2010. OIEC has closed the claim in RMIS and is requesting that the claim be removed from OIECs claims database in the system, since it was entered in error. Further, when attempts to review the claim in View or Edit mode are made the following error is displayed “500 – Internal sever error. There is a problem with the resource you are looking for and it can not be displayed.”

Recommendation C) The RMIS system has been reviewed to ensure that all claims have been entered and updated to the appropriate status.

Recommendation D) OIEC is attempting to contact the third parties in both automobile claims to see if any repair cost figures can be provided. OIEC will update the information in RMIS if the information becomes available.

Name: Erick Dunaway

Title/Position: Associate Director of
Operations/Risk Manager

Date: 12/11/2015

Recommendation: 16-11-03 Risk Management: Policies and Procedures

Details: OIEC currently documented Employee Manual, Occupational Safety and Health Program, Emergency Plan, Ergonomic Policy, Active Shooter Plan (including information on potentially threatening injured employees), and Traveler/Traffic Procedures. However, the workers' compensation claims processing process is not documented, nor are the roles of the employer, employee and Workers' Compensation Claims Coordinator defined. Also lacking is a fully developed return-to-work (RTW) program or an Indoor Air Quality (IAQ) Plan available for use by the agency. SORM recommends the following:

- A) OIEC should include the roles of the employer, employee and the Workers' Compensation Claims Coordinator in the Risk Management manual;
- B) OIEC should incorporate SORM's workers' compensation claims administration procedure into their Risk Management Manual. These procedures and forms can be found online here:
<http://www.sorm.state.tx.us/claims-coordinator-handbook-overview>.
- C) In coordination with the Landlord and/or TFC depending upon the location, the agency should identify and designate their Indoor Air Quality Coordinator. In addition, the IAQ program should be developed. The IAQ Plan will assist the agency in addressing indoor air quality concerns. Once the plan is written, employees should be made aware of the contents of the IAQ program. A sample IAQ template was emailed to OIEC on 11/20/15 in order to assist them in addressing this recommendation;
- D) While OIEC currently has a Return to Work (RTW) statement in their Employee Manual, it is very brief and does not fully explain the benefits to both the injured worker and the employer by being able to get an injured worker to return to work in an expeditious manner.

SORM further recommends that the agency fully develop OIEC's return-to-work (RTW) program and include in their Risk Management Manual. As an employer, a proactive return-to-work program can provide effective tools associated with injuries or illness by providing the opportunity for injured workers to return to the workplace as soon as it is medically appropriate. A return-to-work program (RTW) also provides a mechanism for employers to encourage employees to return to work as soon as possible after injury or illness. National statistics indicate that a return-to-work program is a valuable loss control measure that helps control workers' compensation costs.

Reference: RMSTA Guidelines, Volume IV, Section II, Chapter 2, RMTSA Guidelines, Volume III, Section II, Chapter 1, Subchapter 1.6, RMTSA Guidelines, Volume III, Section Two, Chapter 5, Subchapter 5.7, RMTSA Guidelines, Volume III, Section Two, Chapter 7, Subchapter 7.15; Texas Health and Safety Code, Subtitle C, Title 5, Chapter 385, RMTSA Guidelines, Volume III, Section 1, Chapter 5 – Return to Work Program and Texas Labor Code, Title 5, Subtitle A, Section 412.051.

Additional resources can be found on our website here:

<https://www.sorm.state.tx.us/workers-compensation/return-to-work-program>;
<https://www.sorm.state.tx.us/workers-compensation/return-to-work-program/goals-objectives-and-benefits>; <https://www.sorm.state.tx.us/workers-compensation/return-to-work-program/a-successful-return-to-work-program>

Current Status of Recommendation (check appropriate box and comment below):

- Recommendation has already been completed
Completion Date: [Click here to enter a date.](#)
- Will implement with a target date of completion
Target Date: 4/30/2016
- No Plans to implement

Comments:

Recommendation A) Several services are provided by the Texas Department of Insurance as part of OIEC's administrative attachment. The Workers' Compensation Claims Coordinator function is one of these services that is provided by TDI's Human Resources Department. OIEC currently has existing roles and descriptions for the employer and the employee in the Risk Management Manual. OIEC will add these existing roles and descriptions as well as adding the Claims Coordinator to both the Employee Manual and the Risk Management Manual. This is scheduled to be completed by February of 2016.

Recommendation B) As part of OIEC's administrative attachment, TDI provides all Workers' Compensation claims services through their Human Resources Department.

Recommendation C) As part of OIEC's administrative attachment, TDI provides all office space and works directly with all landlords and TFC to address any lease or building issues. TDI has an Indoor Air Quality Plan in place for their Hobby building location and is in the process of developing a plan for the Metro Center location and their 20 field offices. OIEC will fall under this plan. This plan is scheduled to be completed by March of 2016.

Recommendation D) OIEC is in the process of developing a new return-to-work policy and OIEC will incorporate this into its Risk Management Manual. OIEC plans to adopt TDI's return-to-work policy since return-to-work functions are provided by the administrative attachment to TDI. This is scheduled to be completed by April of 2016.

Name: Erick Dunaway

Title/Position: Associate Director of
Operations/Risk Manager

Date: 12/11/2015