

# Legislative Appropriations Request for Fiscal Years 2018 and 2019

Submitted to the Office of the Governor, Budget Division, and  
the Legislative Budget Board

by

The Office of Injured Employee Counsel



August 26, 2016

**OFFICE OF INJURED EMPLOYEE COUNSEL  
REQUEST FOR LEGISLATIVE APPROPRIATIONS  
FISCAL YEARS 2018 AND 2019**

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## Administrator's Statement

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### 448 Office of Injured Employee Counsel

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The Office of Injured Employee Counsel (OIEC) was established as a State agency on March 1, 2006 and is administratively attached to the Texas Department of Insurance (TDI). OIEC's mission is to assist, educate and advocate on behalf of the injured employees of Texas. OIEC assists injured employees in the Texas Department of Insurance- Division of Workers' Compensation (TDI-DWC) administrative dispute resolution system; educates injured employees about their rights and responsibilities within the workers' compensation system and advocates on behalf of injured employees as a class.

The Public Counsel serves as the executive director of the agency and is appointed by the Governor with the advice and consent of the Senate. The Public Counsel serves a two year term that expires on February 1st of each odd-numbered year (Texas Labor Code Section 404.051). Jessica Corna of Austin currently serves as OIEC's Public Counsel and has held the position since her appointment on October 31, 2014. Ms. Corna is only the second individual to have held the position of Public Counsel since OIEC's inception in 2006. OIEC does not have a board of directors or any other appointed officials.

OIEC accomplishes its mission through 5 program areas with a director overseeing each program area. OIEC's central office is in Austin, Texas and is home to 17% of OIEC's staff. The remaining 83% of OIEC staff members are spread out in 20 offices throughout the state. This allows OIEC to meet statutory requirements including but not limited to meeting with an injured employee at least 15 minutes prior to a proceeding as well as holding an administrative hearing within 75 miles of the injured employee's residence.

During the last biennium OIEC made changes to their internal policies and procedures both to address an audit report published by the State Auditors Office as well as to modify internal procedures for reimbursement, travel and purchasing to mirror those that TDI has in place. This was in an effort to make the administrative attachment between the two agencies more efficient.

It is no secret that Texas' population continues to grow, and according to the United Census Bureau in a March 24, 2016 publication four Texas metro areas together added more people last year than any state in the country except for Texas as a whole. The population in these four metro areas increased by more than 400,000 people from July 1, 2014, to July 1, 2015. The Houston-The Woodlands-Sugar Land and Dallas-Fort Worth-Arlington metro areas added about 159,000 and 145,000 residents, respectively — the largest gains of any metro areas in the nation. Two additional Texas metro areas adjacent to each other — Austin-Round Rock and San Antonio-New Braunfels — were each also among the 16 nationwide to gain 50,000 or more people over the period. These four Texas metro areas collectively added about 412,000 people. Texas as a whole gained about 490,000. As a result of these population changes OIEC faces staffing challenges, posing a significant external force. The Texas Labor Code requires that an injured employee must be able upon request to have an administrative hearing within 75 miles of their residence. The Texas Labor Code also requires that an Ombudsman must have 1 year of workers' compensation experience in order to assist an injured employee on behalf of OIEC. The significant population changes throughout the state result in OIEC being overstaffed in some geographical areas and understaffed in other geographical areas. This requires management to expend funds for travel, overtime and compensatory time.

OIEC like many other state agencies struggles to keep up with technology advancements. As part of OIEC's administrative attachment to TDI OIEC relies on their mainframe systems. They are antiquated and yet not easily replaced. OIEC lacks the ability to have real time reporting and continues to implement a significant number of manual processes, but due to budget restrictions, with 95% of OIEC's operating budget being allocated to salaries and personnel costs the agency is limited in what technological advancements they can support.

OIEC has undertaken in cooperation with TDI to rebuild their website and make it mobile friendly. Through customer service surveys OIEC has established that most injured employees who are accessing services do not have home computers or internet access, therefore it was imperative that OIEC establish a website that was accessible on smart phones and tablets. This interactive site will be launched in early fall 2016.

**Administrator's Statement**

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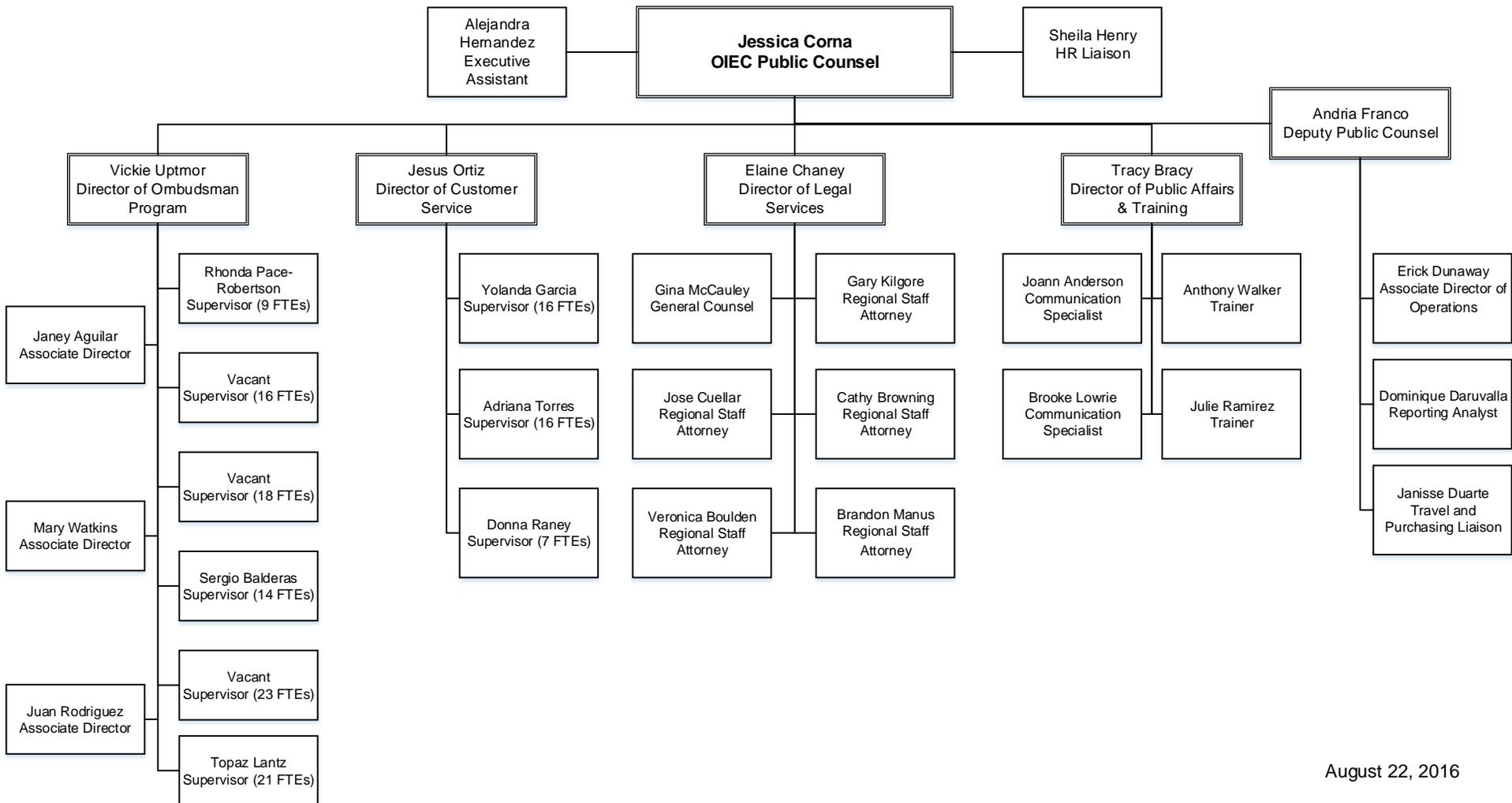
**448 Office of Injured Employee Counsel**

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Additionally, the demographics of Texas are constantly evolving with a significant Spanish speaking population, as well as more and more refugee populations. OIEC currently has funding for an interpretation telephone service, but due to the complexity in medical terminology and workers' compensation specific terminology it is not always the most effective tool. Additionally, all languages OIEC needs access to are not always available at the time. OIEC continues to seek qualified employees who are bilingual but it is a challenge with geographical and compensatory limitations.

OIEC is funded by Fund 36, a self funded account therefore OIEC was not tasked with complying with the Policy Letter limiting agencies baseline request to 96 percent of their approved 2016-17 budget. For the same reason OIEC was also not tasked to prepare the 10 percent General Revenue Funds and General Revenue-Dedicated Funds base reduction either. Finally, OIEC is not requesting any additional funding for the biennium.

**Office of Injured Employee Counsel**



August 22, 2016



CERTIFICATE

Agency Name Office of Injured Employee Counsel

This is to certify that the information contained in the agency Legislative Appropriation Request filed with the Legislative Budget Board (LBB) and the Office of the Governor, Budget Division, is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Governor's office will be notified in writing in accordance with Article IX, Section 7.01 (2016-17 GAA).

**Chief Executive Officer or Presiding Judge**

Jessica Corna  
Signature

Jessica Corna  
Printed Name

Public Counsel  
Title

8/24/16  
Date

**Board or Commission Chair**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Chief Financial Officer**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Budget Overview - Biennial Amounts**  
**85th Regular Session, Agency Submission, Version 1**  
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel  
Appropriation Years: 2018-19

EXCEPTIONAL  
ITEM  
FUNDS

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	
<b>Goal: 1. Assist Individual Injured Employees through the Ombudsman Program</b>											
1.1.1. Ombudsman Program			10,896,012	10,815,232					10,896,012	10,815,232	
<b>Total, Goal</b>			<b>10,896,012</b>	<b>10,815,232</b>					<b>10,896,012</b>	<b>10,815,232</b>	
<b>Goal: 2. Increase Injured Employee Education and Provide Referrals</b>											
2.1.1. Rights Responsibilities & Referral			3,573,506	3,617,226					3,573,506	3,617,226	
<b>Total, Goal</b>			<b>3,573,506</b>	<b>3,617,226</b>					<b>3,573,506</b>	<b>3,617,226</b>	
<b>Goal: 3. Advocate for Injured Employees As a Class</b>											
3.1.1. Advocate For Injured Employees			3,167,204	3,204,264					3,167,204	3,204,264	
<b>Total, Goal</b>			<b>3,167,204</b>	<b>3,204,264</b>					<b>3,167,204</b>	<b>3,204,264</b>	
<b>Total, Agency</b>			<b>17,636,722</b>	<b>17,636,722</b>					<b>17,636,722</b>	<b>17,636,722</b>	
<b>Total FTEs</b>									<b>175.0</b>	<b>175.0</b>	<b>0.0</b>

2.A. Summary of Base Request by Strategy

8/26/2016 10:07:39AM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>1</u> Assist Individual Injured Employees through the Ombudsman Program					
<u>1</u> Assist Unrepresented Injured Employees in Dispute Resolution					
<b>1 OMBUDSMAN PROGRAM</b>	5,148,897	5,343,942	5,552,070	5,407,616	5,407,616
<b>TOTAL, GOAL</b> <b>1</b>	<b>\$5,148,897</b>	<b>\$5,343,942</b>	<b>\$5,552,070</b>	<b>\$5,407,616</b>	<b>\$5,407,616</b>
<u>2</u> Increase Injured Employee Education and Provide Referrals					
<u>1</u> Inform Injured Employees/System Participants and Provide Referrals					
<b>1 RIGHTS RESPONSIBILITIES &amp; REFERRAL</b>	1,718,362	1,714,667	1,858,839	1,808,613	1,808,613
<b>TOTAL, GOAL</b> <b>2</b>	<b>\$1,718,362</b>	<b>\$1,714,667</b>	<b>\$1,858,839</b>	<b>\$1,808,613</b>	<b>\$1,808,613</b>
<u>3</u> Advocate for Injured Employees As a Class					
<u>1</u> Ensure Adequate Rules to Protect Injured Employees and Act as Resource					
<b>1 ADVOCATE FOR INJURED EMPLOYEES</b>	1,652,686	1,539,814	1,627,390	1,602,132	1,602,132
<b>TOTAL, GOAL</b> <b>3</b>	<b>\$1,652,686</b>	<b>\$1,539,814</b>	<b>\$1,627,390</b>	<b>\$1,602,132</b>	<b>\$1,602,132</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>

2.A. Summary of Base Request by Strategy

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85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*</b>				\$0	\$0
<b>GRAND TOTAL, AGENCY REQUEST</b>	\$8,519,945	\$8,598,423	\$9,038,299	\$8,818,361	\$8,818,361
<u>METHOD OF FINANCING:</u>					
<b>General Revenue Dedicated Funds:</b>					
36 Dept Ins Operating Acct	8,519,945	8,598,423	9,038,299	8,818,361	8,818,361
<b>SUBTOTAL</b>	\$8,519,945	\$8,598,423	\$9,038,299	\$8,818,361	\$8,818,361
<b>TOTAL, METHOD OF FINANCING</b>	\$8,519,945	\$8,598,423	\$9,038,299	\$8,818,361	\$8,818,361

\*Rider appropriations for the historical years are included in the strategy amounts.

2.B. Summary of Base Request by Method of Finance

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **448**

Agency name: **Office of Injured Employee Counsel**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
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**GENERAL REVENUE FUND - DEDICATED**

**36** GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036

*REGULAR APPROPRIATIONS*

Regular Appropriations from MOF Table (2014-15 GAA)

\$8,199,542	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2016-17 GAA)

\$0	\$8,645,239	\$8,645,239	\$0	\$0
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Regular Appropriations from MOF Table

\$0	\$0	\$0	\$8,818,361	\$8,818,361
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*RIDER APPROPRIATION*

Art VIII, Rider 2- Unexpended Balance (p. VIII-16 of 2014-15 GAA)

\$137,066	\$0	\$0	\$0	\$0
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**Comments:** The amount of funds transferred is attributable to unexpended balance authority in FY 2015(\$137,066) that resulted from a combination of lapsed salaries and unspent encumbrances.

Art VIII, Rider 2- Unexpended Balance (p. VIII-16 of 2016-17 GAA)

\$0	\$(219,938)	\$219,938	\$0	\$0
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2.B. Summary of Base Request by Method of Finance  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

8/26/2016 10:07:40AM

Agency code: **448** Agency name: **Office of Injured Employee Counsel**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
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**GENERAL REVENUE FUND - DEDICATED**

**Comments:** The funds anticipated to be transferred are due to unexpended balance authority from FY2016 to 2017 (\$232,756) that is anticipated from a combination of lapsed salaries and unspent encumbrances. The number of vacant positions fluctuates throughout the year and produces lapsed salaries; however, the agency does not expect as high of a turnover in FY 2017 as it experienced in FY 2016. OIEC does expect turnover as a result of retirement and low agency pay.

*TRANSFERS*

Art IX, Sec 17.06 Salary Increase for General State Employees (2014-15 GAA)	\$245,697	\$0	\$0	\$0	\$0
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Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17)	\$0	\$173,122	\$173,122	\$0	\$0
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*LAPSED APPROPRIATIONS*

Regular Appropriations from MOF Table (2014-15 GAA)	\$(62,360)	\$0	\$0	\$0	\$0
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**Comments:** The agency's lapsed appropriations in FY 2015 (\$62,360) is attributed to maintaining funds to cover any unspecified expenditures after the end of the fiscal year.

<b>TOTAL,</b>	<b>GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036</b>	<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
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2.B. Summary of Base Request by Method of Finance

8/26/2016 10:07:40AM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code:	<b>448</b>	Agency name:	<b>Office of Injured Employee Counsel</b>			
<b>METHOD OF FINANCING</b>		<b>Exp 2015</b>	<b>Est 2016</b>	<b>Bud 2017</b>	<b>Req 2018</b>	<b>Req 2019</b>
<b>TOTAL, ALL GENERAL REVENUE FUND - DEDICATED</b>		<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>TOTAL, GR &amp; GR-DEDICATED FUNDS</b>		<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>GRAND TOTAL</b>		<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>

**FULL-TIME-EQUIVALENT POSITIONS**

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA) 175.0 0.0 0.0 0.0 0.0

Regular Appropriations from MOF Table (2016-17 GAA) 0.0 175.0 175.0 0.0 0.0

Regular Appropriations from MOF Table 0.0 0.0 0.0 175.0 175.0

UNAUTHORIZED NUMBER OVER (BELOW) CAP

Regular Appropriations from MOF Table (2014-15 GAA) (12.8) 0.0 0.0 0.0 0.0

Regular Appropriations from MOF Table (2016-17 GAA) 0.0 (12.8) 0.0 0.0 0.0

**TOTAL, ADJUSTED FTES 162.2 162.2 175.0 175.0 175.0**

**2.B. Summary of Base Request by Method of Finance**

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Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: <b>448</b>	Agency name: <b>Office of Injured Employee Counsel</b>					
<b>METHOD OF FINANCING</b>	<b>Exp 2015</b>	<b>Est 2016</b>	<b>Bud 2017</b>	<b>Req 2018</b>	<b>Req 2019</b>	
<b>NUMBER OF 100% FEDERALLY FUNDED FTEs</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

2.C. Summary of Base Request by Object of Expense

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Automated Budget and Evaluation System of Texas (ABEST)

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OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1001 SALARIES AND WAGES	\$7,104,464	\$7,338,667	\$8,058,040	\$8,058,040	\$8,058,040
1002 OTHER PERSONNEL COSTS	\$479,890	\$415,901	\$265,422	\$265,422	\$265,422
2001 PROFESSIONAL FEES AND SERVICES	\$35,137	\$86,000	\$50,000	\$50,000	\$50,000
2003 CONSUMABLE SUPPLIES	\$312	\$300	\$0	\$0	\$0
2004 UTILITIES	\$31,132	\$26,222	\$16,000	\$16,000	\$16,000
2005 TRAVEL	\$364,812	\$417,900	\$284,900	\$284,900	\$284,900
2006 RENT - BUILDING	\$3,042	\$6,150	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$3,410	\$10,000	\$0	\$0	\$0
2009 OTHER OPERATING EXPENSE	\$497,746	\$297,283	\$363,937	\$143,999	\$143,999
<b>OOE Total (Excluding Riders)</b>	<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>OOE Total (Riders)</b>					
<b>Grand Total</b>	<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>

**2.D. Summary of Base Request Objective Outcomes**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

8/26/2016 10:07:40AM

**448 Office of Injured Employee Counsel**

Goal/ Objective / Outcome	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1 Assist Individual Injured Employees through the Ombudsman Program					
1 Assist Unrepresented Injured Employees in Dispute Resolution					
1 % Disputes Resolved Prior to TDI Dispute Resolution Process	67.20%	60.26%	62.00%	62.00%	62.00%
<b>KEY</b> 2 % Dispute Resolution Proceedings at DWC with Ombudsman Assistance	42.46%	44.27%	44.00%	44.00%	44.00%
<b>KEY</b> 3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist	27.65%	28.99%	27.00%	27.00%	27.00%
<b>KEY</b> 4 Percentage of Appeal Issues Prevailed with Ombudsman Assistance	24.77%	27.20%	23.00%	23.00%	23.00%
3 Advocate for Injured Employees As a Class					
1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource					
<b>KEY</b> 1 Percentage of Adopted Workers' Compensation Rules Analyzed	100.00%	100.00%	100.00%	100.00%	100.00%
2 Percent Adopted WC Rules in which OIEC Participated	100.00%	66.67%	100.00%	100.00%	100.00%
3 Percentage of Rules Changed for the Benefit of Injured Employees	50.00%	100.00%	75.00%	75.00%	75.00%



**2.F. Summary of Total Request by Strategy**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/26/2016  
 TIME : 10:07:41AM

Agency code: 448 Agency name: Office of Injured Employee Counsel

Goal/Objective/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
<b>1 Assist Individual Injured Employees through the Ombudsman Program</b>						
<i>1 Assist Unrepresented Injured Employees in Dispute Resolution</i>						
<b>1 OMBUDSMAN PROGRAM</b>	\$5,407,616	\$5,407,616	\$0	\$0	\$5,407,616	\$5,407,616
<b>TOTAL, GOAL 1</b>	<b>\$5,407,616</b>	<b>\$5,407,616</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,407,616</b>	<b>\$5,407,616</b>
<b>2 Increase Injured Employee Education and Provide Referrals</b>						
<i>1 Inform Injured Employees/System Participants and Provide Referrals</i>						
<b>1 RIGHTS RESPONSIBILITIES &amp; REFERRAL</b>	1,808,613	1,808,613	0	0	1,808,613	1,808,613
<b>TOTAL, GOAL 2</b>	<b>\$1,808,613</b>	<b>\$1,808,613</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,808,613</b>	<b>\$1,808,613</b>
<b>3 Advocate for Injured Employees As a Class</b>						
<i>1 Ensure Adequate Rules to Protect Injured Employees and Act as Reso</i>						
<b>1 ADVOCATE FOR INJURED EMPLOYEES</b>	1,602,132	1,602,132	0	0	1,602,132	1,602,132
<b>TOTAL, GOAL 3</b>	<b>\$1,602,132</b>	<b>\$1,602,132</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,602,132</b>	<b>\$1,602,132</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST</b>						
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>

**2.F. Summary of Total Request by Strategy**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/26/2016  
 TIME : 10:07:41AM

Agency code: 448 Agency name: Office of Injured Employee Counsel

<b>Goal/Objective/STRATEGY</b>	<b>Base 2018</b>	<b>Base 2019</b>	<b>Exceptional 2018</b>	<b>Exceptional 2019</b>	<b>Total Request 2018</b>	<b>Total Request 2019</b>
<b>General Revenue Dedicated Funds:</b>						
36 Dept Ins Operating Acct	\$8,818,361	\$8,818,361	\$0	\$0	\$8,818,361	\$8,818,361
	<b>\$8,818,361</b>	<b>\$8,818,361</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>175.0</b>	<b>175.0</b>	<b>0.0</b>	<b>0.0</b>	<b>175.0</b>	<b>175.0</b>

**2.G. Summary of Total Request Objective Outcomes**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/26/2016  
 Time: 10:07:42AM

Agency code: 448

Agency name: Office of Injured Employee Counsel

Goal/ Objective / Outcome

		BL 2018	BL 2019	Excp 2018	Excp 2019	Total Request 2018	Total Request 2019
1	Assist Individual Injured Employees through the Ombudsman Program						
1	Assist Unrepresented Injured Employees in Dispute Resolution						
	<b>1 % Disputes Resolved Prior to TDI Dispute Resolution Process</b>						
		62.00%	62.00%			62.00%	62.00%
<b>KEY</b>	<b>2 % Dispute Resolution Proceedings at DWC with Ombudsman Assistance</b>						
		44.00%	44.00%			44.00%	44.00%
<b>KEY</b>	<b>3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist</b>						
		27.00%	27.00%			27.00%	27.00%
<b>KEY</b>	<b>4 Percentage of Appeal Issues Prevailed with Ombudsman Assistance</b>						
		23.00%	23.00%			23.00%	23.00%
3	Advocate for Injured Employees As a Class						
1	Ensure Adequate Rules to Protect Injured Employees and Act as Resource						
<b>KEY</b>	<b>1 Percentage of Adopted Workers' Compensation Rules Analyzed</b>						
		100.00%	100.00%			100.00%	100.00%
	<b>2 Percent Adopted WC Rules in which OIEC Participated</b>						
		100.00%	100.00%			100.00%	100.00%
	<b>3 Percentage of Rules Changed for the Benefit of Injured Employees</b>						
		75.00%	75.00%			75.00%	75.00%

**448 Office of Injured Employee Counsel**

GOAL: 1 Assist Individual Injured Employees through the Ombudsman Program  
 OBJECTIVE: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service Categories:  
 STRATEGY: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>Output Measures:</b>						
	1 Number of Injured Employees Prepared for BRC by an Ombudsman	5,495.00	6,200.00	5,500.00	5,500.00	5,500.00
KEY	2 Number of Benefit Review Conferences with Ombudsman Assistance	5,920.00	6,600.00	6,500.00	6,500.00	6,500.00
	3 Number of Injured Employees Prepared for CCH by an Ombudsman	2,935.00	3,200.00	3,000.00	3,000.00	3,000.00
KEY	4 Number of Contested Case hearings with Ombudsman Assistance	2,442.00	2,600.00	2,600.00	2,600.00	2,600.00
KEY	5 Number of Injured Employees Prepared for an Appeal by an Ombudsman	1,019.00	1,250.00	1,000.00	1,000.00	1,000.00
<b>Efficiency Measures:</b>						
	1 Avg Days to Resolve a Disputed Issue Prior to Entering a Proceeding	21.00	22.00	22.00	22.00	22.00
<b>Explanatory/Input Measures:</b>						
	1 Avg Dollar Amount Saved/Injured Employee Assisted by Ombudsman	1,969.00	1,997.00	1,800.00	1,800.00	1,800.00
	2 Number of Disputed Issues Resolved Prior to Entering a Proceeding	4,821.00	4,800.00	4,800.00	4,800.00	4,800.00

**448 Office of Injured Employee Counsel**

GOAL: 1 Assist Individual Injured Employees through the Ombudsman Program  
 OBJECTIVE: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service Categories:  
 STRATEGY: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
KEY 3	Number of Preparation Appointments Prior to Benefit Review Conference	16,195.00	16,000.00	15,000.00	15,000.00	15,000.00
KEY 4	Number of Preparation Appointments Prior to Contested Case Hearing	4,957.00	5,000.00	5,000.00	5,000.00	5,000.00
KEY 5	Number of Preparation Appointments Held for an Appeal by an Ombudsman	1,116.00	1,050.00	1,050.00	1,050.00	1,050.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$4,348,824	\$4,726,729	\$5,016,657	\$5,016,657	\$5,016,657
1002	OTHER PERSONNEL COSTS	\$289,864	\$229,022	\$157,036	\$157,036	\$157,036
2001	PROFESSIONAL FEES AND SERVICES	\$3,350	\$6,000	\$4,000	\$4,000	\$4,000
2004	UTILITIES	\$21,648	\$7,486	\$5,000	\$5,000	\$5,000
2005	TRAVEL	\$262,861	\$218,000	\$160,000	\$160,000	\$160,000
2006	RENT - BUILDING	\$2,692	\$3,500	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$3,410	\$5,000	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$216,248	\$148,205	\$209,377	\$64,923	\$64,923
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$5,148,897</b>	<b>\$5,343,942</b>	<b>\$5,552,070</b>	<b>\$5,407,616</b>	<b>\$5,407,616</b>
<b>Method of Financing:</b>						
36	Dept Ins Operating Acct	\$5,148,897	\$5,343,942	\$5,552,070	\$5,407,616	\$5,407,616

**448 Office of Injured Employee Counsel**

GOAL: 1 Assist Individual Injured Employees through the Ombudsman Program  
 OBJECTIVE: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service Categories:  
 STRATEGY: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$5,148,897</b>	<b>\$5,343,942</b>	<b>\$5,552,070</b>	<b>\$5,407,616</b>	<b>\$5,407,616</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$5,407,616</b>	<b>\$5,407,616</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$5,148,897</b>	<b>\$5,343,942</b>	<b>\$5,552,070</b>	<b>\$5,407,616</b>	<b>\$5,407,616</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>101.1</b>	<b>105.5</b>	<b>111.0</b>	<b>111.0</b>	<b>111.0</b>

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

The Office of Injured Employee Counsel (OIEC) is directed by statute (Labor Code, Chapter 404) to prepare unrepresented injured employees and assist them in DWC’s administrative dispute resolution proceedings. OIEC is also required to administer an Ombudsman Program to assist injured employees in obtaining workers' compensation benefits.

The Ombudsman Program consists of highly-trained employees who assist unrepresented injured employees with disputes relating to their workers’ compensation claim at no cost to the injured employees of Texas. Ombudsmen strive to resolve disputed issues prior to an administrative dispute resolution proceeding. Ombudsmen assist unrepresented injured employees: 1) before and during Benefit Review Conferences (mediation) and Contested Case Hearings (administrative hearings), 2) in appeals of the Hearing Officer’s decision through the Appeals Panel, and 3) in administrative proceedings pending before the State Office of Administrative Hearings.

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

**448 Office of Injured Employee Counsel**

GOAL: 1 Assist Individual Injured Employees through the Ombudsman Program  
 OBJECTIVE: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service Categories:  
 STRATEGY: 1 Assist Unrepresented Injured Employees in Dispute Resolution Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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- Volume of injured employees covered by subscribing employers in the workers' compensation system
- Volume of injured employees represented by attorneys
- Volume of injured employees who request assistance from the Ombudsman Program
- Volume of disputes or issues within the workers' compensation system
- Changes in workers' compensation laws or rules that impact injured employees (e.g., Entergy v. Summers; DWC rules)
- Policy, procedure, or process changes within TDI or DWC that impact injured employees
- Extent of clerical and administrative duties required to be performed by Ombudsmen that reduce time that can be spent on resolving disputes
- Ability to attract and retain qualified staff
- Ability to attract and retain staff that are able to provide assistance to non-English speaking injured employees
- Extent of budget increases or reductions

**EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):**

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$10,896,012	\$10,815,232	\$(80,780)	\$(80,780)	Two positions from Strategy 1 were allocated to Strategy 2 and Strategy 3.
			<b>\$(80,780)</b>	<b>Total of Explanation of Biennial Change</b>

**448 Office of Injured Employee Counsel**

GOAL: 2 Increase Injured Employee Education and Provide Referrals  
 OBJECTIVE: 1 Inform Injured Employees/System Participants and Provide Referrals Service Categories:  
 STRATEGY: 1 Assist Injured Employees & Provide Referrals to Programs & Services Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>Output Measures:</b>						
1	Nbr of Calls and Emails Where Injured Employees Were Educated/Assisted	222,564.00	255,000.00	220,000.00	250,000.00	250,000.00
2	Number of Injured Employees Assisted at Local Field Offices	25,129.00	27,000.00	27,000.00	27,000.00	27,000.00
3	Number of Public Outreach Presentations Performed	211.00	240.00	200.00	200.00	200.00
4	Number of Referrals Made to Social Service Entities	9,830.00	5,800.00	4,800.00	4,800.00	4,800.00
<b>Efficiency Measures:</b>						
KEY 1	Avg # of Educational Sessions Provided to Injured Employees Per Month	20,659.00	25,000.00	20,000.00	20,000.00	20,000.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$1,455,289	\$1,430,865	\$1,651,843	\$1,651,843	\$1,651,843
1002	OTHER PERSONNEL COSTS	\$95,789	\$66,802	\$59,528	\$59,528	\$59,528
2001	PROFESSIONAL FEES AND SERVICES	\$12,052	\$2,000	\$2,000	\$2,000	\$2,000
2003	CONSUMABLE SUPPLIES	\$0	\$100	\$0	\$0	\$0
2004	UTILITIES	\$2,857	\$8,600	\$5,000	\$5,000	\$5,000
2005	TRAVEL	\$71,746	\$135,000	\$60,000	\$60,000	\$60,000
2006	RENT - BUILDING	\$0	\$1,100	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$0	\$5,000	\$0	\$0	\$0

**448 Office of Injured Employee Counsel**

GOAL: 2 Increase Injured Employee Education and Provide Referrals  
 OBJECTIVE: 1 Inform Injured Employees/System Participants and Provide Referrals Service Categories:  
 STRATEGY: 1 Assist Injured Employees & Provide Referrals to Programs & Services Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
2009	OTHER OPERATING EXPENSE	\$80,629	\$65,200	\$80,468	\$30,242	\$30,242
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$1,718,362</b>	<b>\$1,714,667</b>	<b>\$1,858,839</b>	<b>\$1,808,613</b>	<b>\$1,808,613</b>
<b>Method of Financing:</b>						
36	Dept Ins Operating Acct	\$1,718,362	\$1,714,667	\$1,858,839	\$1,808,613	\$1,808,613
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$1,718,362</b>	<b>\$1,714,667</b>	<b>\$1,858,839</b>	<b>\$1,808,613</b>	<b>\$1,808,613</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$1,808,613</b>	<b>\$1,808,613</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$1,718,362</b>	<b>\$1,714,667</b>	<b>\$1,858,839</b>	<b>\$1,808,613</b>	<b>\$1,808,613</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>42.2</b>	<b>39.6</b>	<b>45.0</b>	<b>45.0</b>	<b>45.0</b>

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

The Office of Injured Employee Counsel (OIEC) is directed by statute (Labor Code, Chapter 404) to educate injured employees about their rights and responsibilities in the workers' compensation system; refer injured employees to local, state, and federal programs offering financial assistance, rehabilitation, work placement, or social services; and refer complaints to licensing boards and regulatory agencies.

OIEC educates and provides information to injured employees who visit their local field office and through telephone calls made or received on behalf of injured employees. OIEC also provides brochures and other educational materials to workers' compensation system participants and conducts public presentations to educate the general public regarding the agency's purpose and services.

**448 Office of Injured Employee Counsel**

GOAL: 2 Increase Injured Employee Education and Provide Referrals  
 OBJECTIVE: 1 Inform Injured Employees/System Participants and Provide Referrals Service Categories:  
 STRATEGY: 1 Assist Injured Employees & Provide Referrals to Programs & Services Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

- Level of interest from the public regarding OIEC and its purpose
- Injured employee awareness of the existence of OIEC
- Volume of injured employees covered by subscribing employers in the workers' compensation system
- Volume of injured employees who request assistance from the Ombudsman Program
- Volume of disputes or issues within the workers' compensation system
- Changes in workers' compensation laws or rules that impact injured employees (e.g., Entergy v. Summers; DWC rules)
- Policy, procedure, or process changes within TDI or DWC that impact injured employees
- Extent of clerical and administrative duties required to be performed by Ombudsmen that reduce time that can be spent on resolving disputes
- Access to resources in order to provide educational materials and services to internal and external customers
- Availability of programs and services that can assist injured employees
- Licensing boards or regulatory entities actions regarding complaints
- Ability to attract and retain qualified staff
- Ability to attract and retain staff that are able to provide personal assistance to non-English speaking injured employees
- Extent of budget increases or reductions

**448 Office of Injured Employee Counsel**

GOAL: 2 Increase Injured Employee Education and Provide Referrals  
 OBJECTIVE: 1 Inform Injured Employees/System Participants and Provide Referrals Service Categories:  
 STRATEGY: 1 Assist Injured Employees & Provide Referrals to Programs & Services Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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**EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):**

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$3,573,506	\$3,617,226	\$43,720	\$43,720	One position was allocated to Strategy 2 from Strategy 1.
			<b>\$43,720</b>	<b>Total of Explanation of Biennial Change</b>

**448 Office of Injured Employee Counsel**

GOAL: 3 Advocate for Injured Employees As a Class  
 OBJECTIVE: 1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource  
 STRATEGY: 1 Advocate for Injured Employees

Service Categories:  
 Service: 17      Income: A.2      Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>Output Measures:</b>						
	1 Number of Workers' Compensation Rules Analyzed by OIEC	3.00	4.00	4.00	4.00	4.00
KEY	2 Number of Assists a Regional Staff Attorney Provides to an Ombudsman	2.00	3.00	3.00	3.00	3.00
	3 Number of Advocacy Training Sessions by Regional Staff Attorneys	0.00	0.00	0.00	100.00	100.00
<b>Explanatory/Input Measures:</b>						
	1 Number of Workers' Compensation Rules Adopted	3.00	5.00	4.00	4.00	4.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$1,300,351	\$1,181,073	\$1,389,540	\$1,389,540	\$1,389,540
1002	OTHER PERSONNEL COSTS	\$94,237	\$120,077	\$48,858	\$48,858	\$48,858
2001	PROFESSIONAL FEES AND SERVICES	\$19,735	\$78,000	\$44,000	\$44,000	\$44,000
2003	CONSUMABLE SUPPLIES	\$312	\$200	\$0	\$0	\$0
2004	UTILITIES	\$6,627	\$10,136	\$6,000	\$6,000	\$6,000
2005	TRAVEL	\$30,205	\$64,900	\$64,900	\$64,900	\$64,900
2006	RENT - BUILDING	\$350	\$1,550	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$0	\$0	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$200,869	\$83,878	\$74,092	\$48,834	\$48,834

**448 Office of Injured Employee Counsel**

GOAL: 3 Advocate for Injured Employees As a Class

OBJECTIVE: 1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource

Service Categories:

STRATEGY: 1 Advocate for Injured Employees

Service: 17

Income: A.2

Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$1,652,686</b>	<b>\$1,539,814</b>	<b>\$1,627,390</b>	<b>\$1,602,132</b>	<b>\$1,602,132</b>
<b>Method of Financing:</b>						
36	Dept Ins Operating Acct	\$1,652,686	\$1,539,814	\$1,627,390	\$1,602,132	\$1,602,132
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$1,652,686</b>	<b>\$1,539,814</b>	<b>\$1,627,390</b>	<b>\$1,602,132</b>	<b>\$1,602,132</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$1,602,132</b>	<b>\$1,602,132</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$1,652,686</b>	<b>\$1,539,814</b>	<b>\$1,627,390</b>	<b>\$1,602,132</b>	<b>\$1,602,132</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>18.9</b>	<b>17.1</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

**448 Office of Injured Employee Counsel**

GOAL: 3 Advocate for Injured Employees As a Class  
 OBJECTIVE: 1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource Service Categories:  
 STRATEGY: 1 Advocate for Injured Employees Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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The Office of Injured Employee Counsel (OIEC) is directed by statute (Labor Code, Chapter 404) to advocate on behalf of injured employees as a class in judicial, legislative, rulemaking, and administrative processes and ensure injured employee’s rights are protected. Under Labor Code §404.103 (b), the Public Counsel may assign staff attorneys to advise Ombudsmen in providing assistance to injured employees.

OIEC actively participates in the workers’ compensation rulemaking process on behalf of the injured employees of Texas and protects their interests as a class. OIEC also determines whether there are issues pending before either the Texas appellate courts or the Supreme Court where OIEC needs to serve as a voice for injured employees.

Regional Staff Attorneys supervise the work of the Ombudsman Program and are provided as a legal resource to advise Ombudsmen and other OIEC employees in providing assistance and education to injured employees.

Additionally, staff administers surveys, and monitors and analyzes internal and system-wide procedures and performance to ensure injured employee’s rights are protected statewide. A Legislative report, required by statute (Labor Code §404.106), is produced to inform lawmakers and other interested individuals on the state of the workers’ compensation system and legislative recommendations (Labor Code §404.108) from the perspective of injured employees as a class.

The agency also disseminates information to the public about the agency and the Ombudsman Program (Labor Code §§404.004 & 404.154).

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

**448 Office of Injured Employee Counsel**

GOAL: 3 Advocate for Injured Employees As a Class  
 OBJECTIVE: 1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource Service Categories:  
 STRATEGY: 1 Advocate for Injured Employees Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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- Statutory changes or case law that affects the workers' compensation system or injured employees
- Injured employees' perception of fairness within the Texas workers' compensation system
- Level of participation by all parties in the rulemaking process
- Rules proposed by TDI or DWC that impact injured employees
- Adoption of rule language by TDI or DWC that incorporate OIEC's public comments
- Policy, procedure, or process changes within TDI or DWC that impact injured employees
- Ability to attract and retain qualified personnel
- Internal audit and process review findings that require agency action
- Ability to acquire appropriate data to analyze and report pertaining to agency and system performance
- Extent of budget increases or reductions

**EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):**

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$3,167,204	\$3,204,264	\$37,060	\$37,060	One position was allocated to Strategy 3 from Strategy 1.
			<b>\$37,060</b>	<b>Total of Explanation of Biennial Change</b>

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**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>METHODS OF FINANCE (INCLUDING RIDERS):</b>				<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>METHODS OF FINANCE (EXCLUDING RIDERS):</b>	<b>\$8,519,945</b>	<b>\$8,598,423</b>	<b>\$9,038,299</b>	<b>\$8,818,361</b>	<b>\$8,818,361</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>162.2</b>	<b>162.2</b>	<b>175.0</b>	<b>175.0</b>	<b>175.0</b>



### 3.B. Rider Revisions and Additions Request

<b>Agency Code:</b> 448	<b>Agency Name:</b> Office of Injured Employee Counsel	<b>Prepared By:</b> Dominique Daruvalla, Reporting Analyst	<b>Date:</b> 8-26-2016	<b>Request Level:</b> Base
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Current Rider Number	Page Number in 2016-17 GAA	Proposed Rider Language
2	VIII-16	<p><b>Unexpended Balance Authority.</b> Any unexpended balances as of August 31, <del>2016</del><u>2018</u>, not to exceed 5 percent for any item of appropriation, are hereby appropriated to the Office of Injured Employee Counsel for the same purposes for the fiscal year ending August 31, <del>2017</del><u>2019</u>.</p> <p><i>OIEC is requesting unexpended balance authority to avoid the adverse impact that an agency of its size and Structure incurs when unspent monies are not transferable to the second year of the biennium. By granting unexpended balance authority, the agency is better able to fund and implement plans to improve injured Employee services based on a 24-month budget cycle.</i></p>

**6.A. Historically Underutilized Business Supporting Schedule**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: **8/26/2016**  
 Time: **10:07:43AM**

Agency Code: **448**      Agency: **Office of Injured Employee Counsel**

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2014 - 2015 HUB Expenditure Information**

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2014			Total Expenditures FY 2014		HUB Expenditures FY 2015			Total Expenditures FY 2015	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2015		
11.2%	Heavy Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
21.1%	Building Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
32.9%	Special Trade	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$11,448	
23.7%	Professional Services	0.0 %	58.8%	58.8%	\$500	\$850	0.0 %	0.0%	0.0%	\$0	\$975	
26.0%	Other Services	0.0 %	1.4%	1.4%	\$838	\$58,584	0.0 %	0.0%	0.0%	\$0	\$72,390	
21.1%	Commodities	0.0 %	7.6%	7.6%	\$271	\$3,569	0.0 %	79.9%	79.9%	\$44,378	\$55,533	
	<b>Total Expenditures</b>		<b>2.6%</b>		<b>\$1,609</b>	<b>\$63,003</b>		<b>31.6%</b>		<b>\$44,378</b>	<b>\$140,346</b>	

**B. Assessment of Fiscal Year 2014 - 2015 Efforts to Meet HUB Procurement Goals**

**Attainment:**

The agency attained or exceeded one of the three, or 33.33 percent, of the applicable statewide HUB procurement goals in FY 2014.  
 The agency attained or exceeded one of the three, or 33.33 percent, of the applicable statewide HUB procurement goals in FY 2015.

**Applicability:**

OIEC's functions do not include construction, therefore, "Heavy Construction," and "Building Construction" categories are not applicable to the agency. In FY2014 "Special Trade" was not applicable to the agency.

**Factors Affecting Attainment:**

OIEC historically does not have a large number of procurements. When awards are made to non-HUB's the percentages are drastically reduced, however OIEC was able to exceed one of the three goals in both FY2015 and FY2015. OIEC continues to make every effort to find HUB for all Agency purchases.

**"Good-Faith" Efforts:**

OIEC made good faith efforts in FY 2014 and 2015. The Texas Department of Insurance provides procurement services for OIEC. TDI participates in the quarterly HUB Discussion Group meetings and hosts a HUB Forum at the TDI headquarters each fiscal year. TDI also attends various HUB forums throughout the State of Texas.

7.A. Indirect Administrative and Support Costs

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85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>3-1-1 Advocate for Injured Employees</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$593,943	\$ 739,940	\$ 739,940	\$ 739,940	\$ 739,940
1002 OTHER PERSONNEL COSTS	14,640	13,080	9,840	9,840	9,840
2001 PROFESSIONAL FEES AND SERVICES	457	638	638	638	638
2004 UTILITIES	457	638	638	638	638
2005 TRAVEL	20,500	34,900	34,900	34,900	34,900
2009 OTHER OPERATING EXPENSE	11,963	12,128	12,128	12,128	12,128
<b>Total, Objects of Expense</b>	<b>\$641,960</b>	<b>\$801,324</b>	<b>\$798,084</b>	<b>\$798,084</b>	<b>\$798,084</b>
<b>METHOD OF FINANCING:</b>					
36 Dept Ins Operating Acct	641,960	801,324	798,084	798,084	798,084
<b>Total, Method of Financing</b>	<b>\$641,960</b>	<b>\$801,324</b>	<b>\$798,084</b>	<b>\$798,084</b>	<b>\$798,084</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>8.0</b>	<b>10.5</b>	<b>10.5</b>	<b>10.5</b>	<b>10.5</b>
<b>Method of Allocation</b>					

**7.A. Indirect Administrative and Support Costs**

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**448 Office of Injured Employee Counsel**

**Exp 2015**

**Est 2016**

**Bud 2017**

**BL 2018**

**BL 2019**

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The administrative and support costs in this strategy are related to those personnel who provide technical and administrative support to the agency pertaining to:

- Strategic planning,
- Performance measure tracking, monitoring, and reporting,
- Facilities management,
- Travel and logistical support,
- Budget planning and monitoring,
- Procurement and purchasing,
- Human resources issues,
- Internal audit reports,
- Public information requests, and
- OIEC's Business Plan.

Operations conduct General Counsel services, including agency rulemaking; administer surveys; research and analyze data for special projects, workload, and performance measures; and develop and submit reports required by statute, including:

- Legislative Report,
- Five-year Strategic Plan,
- Operating Budget, and
- Legislative Appropriations Request.

Additionally, staff recommend and track legislation; serve as liaison to other state agencies and legislative offices; and coordinate the annual OIEC Conference. This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

7.A. Indirect Administrative and Support Costs

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85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>GRAND TOTALS</b>					
<b>Objects of Expense</b>					
1001 SALARIES AND WAGES	\$593,943	\$739,940	\$739,940	\$739,940	\$739,940
1002 OTHER PERSONNEL COSTS	\$14,640	\$13,080	\$9,840	\$9,840	\$9,840
2001 PROFESSIONAL FEES AND SERVICES	\$457	\$638	\$638	\$638	\$638
2004 UTILITIES	\$457	\$638	\$638	\$638	\$638
2005 TRAVEL	\$20,500	\$34,900	\$34,900	\$34,900	\$34,900
2009 OTHER OPERATING EXPENSE	\$11,963	\$12,128	\$12,128	\$12,128	\$12,128
<b>Total, Objects of Expense</b>	<b>\$641,960</b>	<b>\$801,324</b>	<b>\$798,084</b>	<b>\$798,084</b>	<b>\$798,084</b>
<b>Method of Financing</b>					
36 Dept Ins Operating Acct	\$641,960	\$801,324	\$798,084	\$798,084	\$798,084
<b>Total, Method of Financing</b>	<b>\$641,960</b>	<b>\$801,324</b>	<b>\$798,084</b>	<b>\$798,084</b>	<b>\$798,084</b>
<b>Full-Time-Equivalent Positions (FTE)</b>	<b>8.0</b>	<b>10.5</b>	<b>10.5</b>	<b>10.5</b>	<b>10.5</b>

Agency code: 448

Agency name: Office of Injured Employee Counsel

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>1-1-1 Assist Unrepresented Injured Employees in Dispute Resolution</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$92,718	\$85,000	\$85,000	\$85,000	\$85,000
1002 OTHER PERSONNEL COSTS	2,160	3,120	3,120	3,120	3,120
2001 PROFESSIONAL FEES AND SERVICES	57	61	61	61	61
2004 UTILITIES	57	61	61	61	61
2005 TRAVEL	2,000	14,846	14,846	14,846	14,846
2009 OTHER OPERATING EXPENSE	1,495	1,152	1,152	1,152	1,152
<b>Total, Objects of Expense</b>	<b>\$98,487</b>	<b>\$104,240</b>	<b>\$104,240</b>	<b>\$104,240</b>	<b>\$104,240</b>
<b>METHOD OF FINANCING:</b>					
36 Dept Ins Operating Acct	98,487	104,240	104,240	104,240	104,240
<b>Total, Method of Financing</b>	<b>\$98,487</b>	<b>\$104,240</b>	<b>\$104,240</b>	<b>\$104,240</b>	<b>\$104,240</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>

**DESCRIPTION**

This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

The Direct Administration represents staff that relate solely to the administration of the strategy associated with the Ombudsman Program.

Agency code: **448**

Agency name: **Office of Injured Employee Counsel**

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>2-1-1 Assist Injured Employees &amp; Provide Referrals to Programs &amp; Services</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$82,416	\$79,468	\$79,468	\$79,468	\$79,468
1002 OTHER PERSONNEL COSTS	2,640	2,400	2,400	2,400	2,400
2001 PROFESSIONAL FEES AND SERVICES	57	61	61	61	61
2004 UTILITIES	57	61	61	61	61
2005 TRAVEL	4,700	23,318	23,318	23,318	23,318
2009 OTHER OPERATING EXPENSE	1,495	1,152	1,152	1,152	1,152
<b>Total, Objects of Expense</b>	<b>\$91,365</b>	<b>\$106,460</b>	<b>\$106,460</b>	<b>\$106,460</b>	<b>\$106,460</b>
<b>METHOD OF FINANCING:</b>					
36 Dept Ins Operating Acct	91,365	106,460	106,460	106,460	106,460
<b>Total, Method of Financing</b>	<b>\$91,365</b>	<b>\$106,460</b>	<b>\$106,460</b>	<b>\$106,460</b>	<b>\$106,460</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>

**DESCRIPTION**

This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

The Direct Administration represents staff that relate solely to the administration of the strategy associated with the Ombudsman Program.

Agency code: **448**

Agency name: **Office of Injured Employee Counsel**

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>3-1-1 Advocate for Injured Employees</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$100,000	\$52,797	\$52,797	\$52,797	\$52,797
1002 OTHER PERSONNEL COSTS	2,160	1,320	720	720	720
2001 PROFESSIONAL FEES AND SERVICES	159	30	30	30	30
2004 UTILITIES	107	30	30	30	30
2005 TRAVEL	1,319	714	714	714	714
2009 OTHER OPERATING EXPENSE	1,587	576	576	576	576
<b>Total, Objects of Expense</b>	<b>\$105,332</b>	<b>\$55,467</b>	<b>\$54,867</b>	<b>\$54,867</b>	<b>\$54,867</b>
<b>METHOD OF FINANCING:</b>					
36 Dept Ins Operating Acct	105,332	55,467	54,867	54,867	54,867
<b>Total, Method of Financing</b>	<b>\$105,332</b>	<b>\$55,467</b>	<b>\$54,867</b>	<b>\$54,867</b>	<b>\$54,867</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>1.0</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>

**DESCRIPTION**

This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

The Direct Administration represents staff that relate solely to the administration of the strategy associated with the Ombudsman Program.

Agency code: 448

Agency name: Office of Injured Employee Counsel

	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>GRAND TOTALS</b>					
<b>Objects of Expense</b>					
1001 SALARIES AND WAGES	\$275,134	\$217,265	\$217,265	\$217,265	\$217,265
1002 OTHER PERSONNEL COSTS	\$6,960	\$6,840	\$6,240	\$6,240	\$6,240
2001 PROFESSIONAL FEES AND SERVICES	\$273	\$152	\$152	\$152	\$152
2004 UTILITIES	\$221	\$152	\$152	\$152	\$152
2005 TRAVEL	\$8,019	\$38,878	\$38,878	\$38,878	\$38,878
2009 OTHER OPERATING EXPENSE	\$4,577	\$2,880	\$2,880	\$2,880	\$2,880
<b>Total, Objects of Expense</b>	<b>\$295,184</b>	<b>\$266,167</b>	<b>\$265,567</b>	<b>\$265,567</b>	<b>\$265,567</b>
<b>Method of Financing</b>					
36 Dept Ins Operating Acct	\$295,184	\$266,167	\$265,567	\$265,567	\$265,567
<b>Total, Method of Financing</b>	<b>\$295,184</b>	<b>\$266,167</b>	<b>\$265,567</b>	<b>\$265,567</b>	<b>\$265,567</b>
<b>Full-Time-Equivalent Positions (FTE)</b>	<b>3.0</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>