



# **Operating Budget for Fiscal Year 2012**

Submitted to the Governor's Office of Budget, Planning and Policy  
and the Legislative Budget Board

by

**The Office of Injured Employee Counsel**

November 29, 2011



## CERTIFICATE

**Agency Name**      **Office of Injured Employee Counsel**

This is to certify that the information contained in the agency operating budget filed with the Legislative Budget Board (LBB) and the Governor's Office of Budget, Planning and Policy (GOBPP) 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 GOBPP will be notified in writing in accordance with Article IX, Section 7.01 (2012-13 GAA).

**Public Counsel**

  
Signature

Norman Darwin

Printed Name

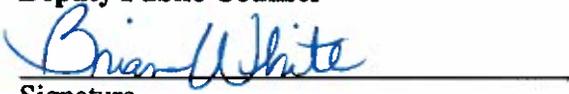
Public Counsel

Title

November 29, 2011

Date

**Deputy Public Counsel**

  
Signature

Brian White

Printed Name

Deputy Public Counsel/Chief of Staff

Title

November 29, 2011

Date

**II.A. SUMMARY OF BUDGET BY STRATEGY**  
82nd Regular Session, Fiscal Year 2012 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE : 11/29/2011  
TIME : 11:11:59AM

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

<b>Goal/Objective/STRATEGY</b>	<b>EXP 2010</b>	<b>EXP 2011</b>	<b>BUD 2012</b>
<b>1</b> Assist Individual Injured Employees through the Ombudsman Program			
<b>1</b> <i>Assist Unrepresented Injured Employees in Dispute Resolution</i>			
<b>1</b> OMBUDSMAN PROGRAM	\$4,049,653	\$4,237,988	\$4,418,183
<b>TOTAL, GOAL 1</b>	<b>\$4,049,653</b>	<b>\$4,237,988</b>	<b>\$4,418,183</b>
<b>2</b> Increase Injured Employee Education and Provide Referrals			
<b>1</b> <i>Inform Injured Employees/System Participants and Provide Referrals</i>			
<b>1</b> RIGHTS RESPONSIBILITIES & REFERRAL	\$2,754,533	\$3,035,270	\$1,589,674
<b>TOTAL, GOAL 2</b>	<b>\$2,754,533</b>	<b>\$3,035,270</b>	<b>\$1,589,674</b>
<b>3</b> Advocate for Injured Employees As a Class			
<b>1</b> <i>Ensure Adequate Rules to Protect Injured Employees and Act as Resource</i>			
<b>1</b> ADVOCATE FOR INJURED EMPLOYEES	\$666,060	\$727,780	\$1,761,685
<b>TOTAL, GOAL 3</b>	<b>\$666,060</b>	<b>\$727,780</b>	<b>\$1,761,685</b>

**II.A. SUMMARY OF BUDGET BY STRATEGY**  
 82nd Regular Session, Fiscal Year 2012 Operating Budget  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 11/29/2011  
 TIME : 11:11:59AM

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

<b>Goal/Objective/STRATEGY</b>	<b>EXP 2010</b>	<b>EXP 2011</b>	<b>BUD 2012</b>
<b>General Revenue Dedicated Funds:</b>			
36 Dept Ins Operating Acct	\$7,470,246	\$8,001,038	\$7,769,542
	<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>161.4</b>	<b>158.5</b>	<b>168.5</b>

**II.B. SUMMARY OF BUDGET BY METHOD OF FINANCE**  
 82nd Regular Session, Fiscal Year 2012 Operating Budget  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
 TIME: 11:14:46AM

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

METHOD OF FINANCING		Exp 2010	Exp 2011	Bud 2012
<b><u>GENERAL REVENUE FUND - DEDICATED</u></b>				
<b>36</b>	GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036			
	<i>REGULAR APPROPRIATIONS</i>			
	Regular Appropriations	\$7,769,542	\$7,769,542	\$7,769,542
	<i>LAPSED APPROPRIATIONS</i>			
	Lapsed Appropriations	\$0	\$(67,800)	\$0
	<i>UNEXPENDED BALANCES AUTHORITY</i>			
	Art VIII-16, Rider 2 (10-11 GAA)	\$(299,296)	\$299,296	\$0
<b>TOTAL,</b>	<b>GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036</b>	<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>
<b>TOTAL, ALL</b>	<b>GENERAL REVENUE FUND - DEDICATED</b>	<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>
<b>GRAND TOTAL</b>		<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>
<b>FULL-TIME-EQUIVALENT POSITIONS</b>				
	<i>REGULAR APPROPRIATIONS</i>			
	Regular Appropriations	184.0	184.0	175.0
	<i>UNAUTHORIZED NUMBER OVER (BELOW) CAP</i>			
	Unauthorized Number Over (Below) Cap	(22.6)	(25.5)	(6.5)
<b>TOTAL, ADJUSTED FTES</b>		<b>161.4</b>	<b>158.5</b>	<b>168.5</b>

**II.B. SUMMARY OF BUDGET BY METHOD OF FINANCE**  
82nd Regular Session, Fiscal Year 2012 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **11/29/2011**  
TIME: **11:14:46AM**

Agency code: **448**

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

---

**METHOD OF FINANCING**

**Exp 2010**

**Exp 2011**

**Bud 2012**

---

**NUMBER OF 100% FEDERALLY FUNDED FTEs**

**0.0**

**0.0**

**0.0**

I.C. SUMMARY OF BUDGET BY OBJECT OF EXPENSE  
82nd Regular Session, Fiscal Year 2012 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
TIME: 11:15:31AM

Agency code: 448

Agency name: Office of Injured Employee Counsel

OBJECT OF EXPENSE	EXP 2010	EXP 2011	BUD 2012
1001 SALARIES AND WAGES	\$6,507,843	\$6,576,311	\$6,978,316
1002 OTHER PERSONNEL COSTS	\$522,685	\$848,311	\$245,421
2001 PROFESSIONAL FEES AND SERVICES	\$22,096	\$25,066	\$62,705
2003 CONSUMABLE SUPPLIES	\$2,769	\$187	\$0
2004 UTILITIES	\$9,718	\$16,568	\$17,129
2005 TRAVEL	\$190,773	\$305,234	\$239,900
2006 RENT - BUILDING	\$1,023	\$5,155	\$0
2007 RENT - MACHINE AND OTHER	\$2,215	\$3,768	\$0
2009 OTHER OPERATING EXPENSE	\$211,124	\$220,238	\$226,071
5000 CAPITAL EXPENDITURES	\$0	\$200	\$0
<b>Agency Total</b>	<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>

**II.D. SUMMARY OF BUDGET OBJECTIVE OUTCOMES**

82nd Regular Session, Fiscal Year 2012 Operating Budget  
Automated Budget and Evaluation system of Texas (ABEST)

Date : 11/29/2011

Time: 11:13:10AM

Agency code: 448

Agency name: Office of Injured Employee Counsel

Goal/ Objective / OUTCOME	Exp 2010	Exp 2011	Bud2012
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	57.82 %	65.68 %	50.00 %
<b>KEY</b> 2 % Dispute Resolution Proceedings at DWC with Ombudsman Assistance	38.83 %	45.12 %	37.00 %
<b>KEY</b> 3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist	36.81 %	33.90 %	25.00 %
<b>KEY</b> 4 Percentage of Appeal Issues Prevailed with Ombudsman Assistance	33.39 %	26.77 %	23.00 %
2 Increase Injured Employee Education and Provide Referrals			
1 Inform Injured Employees/System Participants and Provide Referrals			
<b>KEY</b> 1 % Injured Employees Reached by OIEC Efforts	95.01 %	95.28 %	96.00 %
3 Advocate for Injured Employees As a Class			
1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource			
1 Percentage of Adopted Workers' Compensation Rules Analyzed	100.00 %	100.00 %	100.00 %
2 Percent Adopted WC Rules in which OIEC Participated	87.50 %	72.73 %	100.00 %
<b>KEY</b> 3 Percentage of Rules Changed for the Benefit of Injured Employees	85.71 %	100.00 %	78.00 %

**III.A. STRATEGY LEVEL DETAIL**  
 82nd Regular Session, Fiscal Year 2012 Operating Budget  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
 TIME: 11:14:01AM

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

GOAL: 1 Assist Individual Injured Employees through the Ombudsman Program  
 OBJECTIVE: 1 Assist Unrepresented Injured Employees in Dispute Resolution  
 STRATEGY: 1 Assist Unrepresented Injured Employees in Dispute Resolution

Statewide Goal/Benchmark: 7 5  
 Service Categories:  
 Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2010	EXP 2011	BUD 2012
<b>Output Measures:</b>				
	1 Number of Injured Employees Prepared for BRC by an Ombudsman	3,669.00	4,073.00	3,500.00
KEY	2 Number of Benefit Review Conferences with Ombudsman Assistance	3,956.00	4,915.00	3,515.00
	3 Number of Injured Employees Prepared for CCH by an Ombudsman	1,759.00	1,812.00	1,700.00
KEY	4 Number of Contested Case hearings with Ombudsman Assistance	1,925.00	1,954.00	1,791.00
KEY	5 Number of Injured Employees Prepared for an Appeal by an Ombudsman	577.00	636.00	522.00
<b>Efficiency Measures:</b>				
	1 Avg Days to Resolve a Disputed Issue Prior to Entering a Proceeding	0.00	20.30	24.00
<b>Explanatory/Input Measures:</b>				
	1 Avg Indemnity Cost Avoided/Injured Employee Assisted by Ombudsman	1,845.00	1,829.00	1,750.00
	2 Number of Disputed Issues Resolved Prior to Entering a Proceeding	6,138.00	6,589.00	5,700.00
<b>Objects of Expense:</b>				
	1001 SALARIES AND WAGES	\$3,438,429	\$3,385,548	\$4,060,566
	1002 OTHER PERSONNEL COSTS	\$380,449	\$544,478	\$153,500
	2001 PROFESSIONAL FEES AND SERVICES	\$11,594	\$13,285	\$2,600
	2003 CONSUMABLE SUPPLIES	\$1,247	\$99	\$0
	2004 UTILITIES	\$5,099	\$8,781	\$4,250
	2005 TRAVEL	\$100,888	\$164,632	\$130,000
	2006 RENT - BUILDING	\$537	\$2,732	\$0
	2007 RENT - MACHINE AND OTHER	\$1,162	\$1,997	\$0
	2009 OTHER OPERATING EXPENSE	\$110,248	\$116,330	\$67,267
	5000 CAPITAL EXPENDITURES	\$0	\$106	\$0
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$4,049,653</b>	<b>\$4,237,988</b>	<b>\$4,418,183</b>

**Method of Financing:**

**III.A. STRATEGY LEVEL DETAIL**  
 82nd Regular Session, Fiscal Year 2012 Operating Budget  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
 TIME: 11:14:01AM

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

GOAL: 1 Assist Individual Injured Employees through the Ombudsman Program

Statewide Goal/Benchmark: 7 5

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 2010	EXP 2011	BUD 2012
	36 Dept Ins Operating Acct	\$4,049,653	\$4,237,988	\$4,418,183
	<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>	<b>\$4,049,653</b>	<b>\$4,237,988</b>	<b>\$4,418,183</b>
	<b>TOTAL, METHOD OF FINANCE :</b>	<b>\$4,049,653</b>	<b>\$4,237,988</b>	<b>\$4,418,183</b>
	<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>82.2</b>	<b>78.9</b>	<b>95.0</b>

**III.A. STRATEGY LEVEL DETAIL**  
 82nd Regular Session, Fiscal Year 2012 Operating Budget  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
 TIME: 11:14:01AM

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

GOAL: 2 Increase Injured Employee Education and Provide Referrals

OBJECTIVE: 1 Inform Injured Employees/System Participants and Provide Referrals

STRATEGY: 1 Assist Injured Employees & Provide Referrals to Programs & Services

Statewide Goal/Benchmark: 7 5

Service Categories:

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

CODE	DESCRIPTION	EXP 2010	EXP 2011	BUD 2012
<b>Output Measures:</b>				
KEY 1	# of Injured Employees Reached About Rights and Responsibilities	183,031.00	184,535.00	185,000.00
2	Number of Phone Calls Where Injured Employees Were Educated/Assisted	275,892.00	235,387.00	220,000.00
3	Number of Injured Employees Assisted at Local Field Offices	22,874.00	26,853.00	22,250.00
4	Number of Public Outreach Presentations Performed	83.00	78.00	80.00
5	Number of Referrals to DARS, TWC and TDI	9,514.00	5,631.00	7,400.00
<b>Efficiency Measures:</b>				
KEY 1	Avg Days from Date of Injury to Date an Injured Employee is Contacted	18.79	18.42	18.00
<b>Objects of Expense:</b>				
1001	SALARIES AND WAGES	\$2,485,913	\$2,583,875	\$1,439,703
1002	OTHER PERSONNEL COSTS	\$99,936	\$234,418	\$62,000
2001	PROFESSIONAL FEES AND SERVICES	\$8,465	\$9,525	\$1,350
2003	CONSUMABLE SUPPLIES	\$1,303	\$71	\$0
2004	UTILITIES	\$3,723	\$6,296	\$4,250
2005	TRAVEL	\$72,339	\$113,596	\$45,000
2006	RENT - BUILDING	\$392	\$1,959	\$0
2007	RENT - MACHINE AND OTHER	\$849	\$1,432	\$0
2009	OTHER OPERATING EXPENSE	\$81,613	\$84,022	\$37,371
5000	CAPITAL EXPENDITURES	\$0	\$76	\$0
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$2,754,533</b>	<b>\$3,035,270</b>	<b>\$1,589,674</b>
<b>Method of Financing:</b>				
36	Dept Ins Operating Acct	\$2,754,533	\$3,035,270	\$1,589,674
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$2,754,533</b>	<b>\$3,035,270</b>	<b>\$1,589,674</b>

**III.A. STRATEGY LEVEL DETAIL**  
 82nd Regular Session, Fiscal Year 2012 Operating Budget  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
 TIME: 11:14:01AM

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

GOAL: 2 Increase Injured Employee Education and Provide Referrals

OBJECTIVE: 1 Inform Injured Employees/System Participants and Provide Referrals

STRATEGY: 1 Assist Injured Employees & Provide Referrals to Programs & Services

Statewide Goal/Benchmark: 7 5

Service Categories:

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

CODE	DESCRIPTION	EXP 2010	EXP 2011	BUD 2012
<b>TOTAL, METHOD OF FINANCE :</b>		<b>\$2,754,533</b>	<b>\$3,035,270</b>	<b>\$1,589,674</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>70.1</b>	<b>70.5</b>	<b>50.0</b>

**III.A. STRATEGY LEVEL DETAIL**  
 82nd Regular Session, Fiscal Year 2012 Operating Budget  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
 TIME: 11:14:01AM

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

GOAL: 3 Advocate for Injured Employees As a Class Statewide Goal/Benchmark: 7 5  
 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 2010	EXP 2011	BUD 2012
<b>Output Measures:</b>				
KEY 1	Number of Adopted Workers' Compensation Rules Analyzed by OIEC	8.00	11.00	9.00
KEY 2	# of Adopted Workers' Compensation Rules in Which OIEC Participated	7.00	8.00	9.00
3	Number of Rules Changed as a Result of OIEC Participation	6.00	8.00	7.00
4	Number of Assists a Regional Staff Attorney Provides to an Ombudsman	3,056.00	2,782.00	2,400.00
<b>Explanatory/Input Measures:</b>				
1	Number of Workers' Compensation Rules Adopted	8.00	11.00	9.00
<b>Objects of Expense:</b>				
1001	SALARIES AND WAGES	\$583,501	\$606,888	\$1,478,047
1002	OTHER PERSONNEL COSTS	\$42,300	\$69,415	\$29,921
2001	PROFESSIONAL FEES AND SERVICES	\$2,037	\$2,256	\$58,755
2003	CONSUMABLE SUPPLIES	\$219	\$17	\$0
2004	UTILITIES	\$896	\$1,491	\$8,629
2005	TRAVEL	\$17,546	\$27,006	\$64,900
2006	RENT - BUILDING	\$94	\$464	\$0
2007	RENT - MACHINE AND OTHER	\$204	\$339	\$0
2009	OTHER OPERATING EXPENSE	\$19,263	\$19,886	\$121,433
5000	CAPITAL EXPENDITURES	\$0	\$18	\$0
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$666,060</b>	<b>\$727,780</b>	<b>\$1,761,685</b>
<b>Method of Financing:</b>				
36	Dept Ins Operating Acct	\$666,060	\$727,780	\$1,761,685
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$666,060</b>	<b>\$727,780</b>	<b>\$1,761,685</b>

**III.A. STRATEGY LEVEL DETAIL**  
82nd Regular Session, Fiscal Year 2012 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
TIME: 11:14:01AM

---

<b>TOTAL, METHOD OF FINANCE :</b>	<b>\$666,060</b>	<b>\$727,780</b>	<b>\$1,761,685</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>9.1</b>	<b>9.1</b>	<b>23.5</b>

**III.A. STRATEGY LEVEL DETAIL**  
82nd Regular Session, Fiscal Year 2012 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/29/2011  
TIME: 11:14:01AM

---

**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>
<b>METHODS OF FINANCE :</b>	<b>\$7,470,246</b>	<b>\$8,001,038</b>	<b>\$7,769,542</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>161.4</b>	<b>158.5</b>	<b>168.5</b>

**IV.D. ESTIMATED REVENUE COLLECTIONS SUPPORTING SCHEDULE**

DATE: 11/29/2011

82nd Regular Session, Fiscal Year 2012 Operating Budget

TIME: 11:09:30AM

Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **448**

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

FUND/ACCOUNT	Exp 2010	Exp 2011	Bud 2012
<b>36 Dept Ins Operating Acct</b>			
Beginning Balance (Unencumbered):	\$0	\$0	\$0
Estimated Revenue:			
3777 Default Fund - Warrant Voided	0	1,260	0
Subtotal: Estimated Revenue	<u>0</u>	<u>1,260</u>	<u>0</u>
<b>Total Available</b>	<b><u>\$0</u></b>	<b><u>\$1,260</u></b>	<b><u>\$0</u></b>
<b>DEDUCTIONS:</b>			
NA	0	0	0
<b>Total, Deductions</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>Ending Fund/Account Balance</b>	<b><u>\$0</u></b>	<b><u>\$1,260</u></b>	<b><u>\$0</u></b>

**REVENUE ASSUMPTIONS:**

The Office of Injured Employee Counsel (OIEC) received some unexpected revenue during FY 2011. OIEC does not routinely collect revenue as part of its function and therefore deductions are not shown on this schedule.

The Texas Department of Insurance (Agency 454) sets maintenance tax rates for the funding of appropriations for OIEC.

**CONTACT PERSON:**

Brian White

---