

**ACTUAL PERFORMANCE FOR OUTPUT/EFFICIENCY MEASURES**  
**448 - Office of Injured Employee Counsel**  
**Fiscal Year 2011**  
**10/7/2011**

**Actual Performance for Output/Efficiency Measures**  
 81st Regular Session, Performance Reporting  
 Automated Budget and Evaluation System of Texas (ABEST)

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

Type/Strategy/Measure	2011 Target	2011 Actual	2011 YTD	Percent of Annual Target	
<b>Output Measures</b>					
<u>1-1-1 OMBUDSMAN PROGRAM</u>					
2 # OF BRC W/ OMBUDSMAN ASSISTANCE					
<b>Quarter 1</b>	5,100.00	991.00	991.00	19.43 % *	1,020.00 - 1,530.00
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target for the first quarter of the fiscal year because the number of BRCs has declined during the past few months. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of BRC's due to the number of disputed issues being resolved prior to holding a proceeding. Over 70 percent of all disputed issues were resolved prior to an administrative proceeding during the first quarter.					
<b>Quarter 2</b>	5,100.00	1,020.00	2,011.00	39.43 % *	2,295.00 - 2,805.00
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target for the first half of the fiscal year because the number of BRCs has declined since the time that the target was projected. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of BRC's due to the number of disputed issues being resolved prior to holding a proceeding. Approximately 70 percent of all disputed issues were resolved prior to an administrative hearing during the first two quarters.					
<b>Quarter 3</b>	5,100.00	1,425.00	3,436.00	67.37 % *	3,570.00 - 4,080.00
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target for the third quarter because the number of BRCs has declined since the time that the target was projected. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of BRC's due to the number of disputed issues being resolved prior to holding a proceeding. Approximately 67 percent of all disputed issues were resolved prior to an administrative hearing during the first three quarters of the fiscal year.					
<b>Quarter 4</b>	5,100.00	1,479.00	4,915.00	96.37 %	4,845.00 - 5,355.00

\* Varies by 5% or more from target.

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<b>Output Measures</b>					
4 # OF CCH W/ OMBUDSMAN ASSISTANCE					
<b>Quarter 1</b>	2,100.00	467.00	467.00	22.24 %	420.00 - 630.00
<b>Quarter 2</b>	2,100.00	413.00	880.00	41.90 % *	945.00 - 1,155.00
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target for the first half of the fiscal year because the number of CCHs has declined since the time the target was projected. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of CCH's due to the number of disputed issues being resolved prior to holding a proceeding.					
<b>Quarter 3</b>	2,100.00	512.00	1,392.00	66.29 % *	1,470.00 - 1,680.00
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target for the third quarter of the fiscal year because the number of CCHs has declined since the time the target was projected. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of CCH's due to the number of disputed issues being resolved prior to holding a proceeding.					
<b>Quarter 4</b>	2,100.00	562.00	1,954.00	93.05 % *	1,995.00 - 2,205.00
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target in FY 2011 because the number of Contested Case Hearings has continued to decline during the fiscal year. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of Contested Case Hearings due to the number of disputed issues being resolved prior to holding a proceeding.					
5 # OF OMBUDSMAN APPEAL PREPS					
<b>Quarter 1</b>	550.00	149.00	149.00	27.09 %	110.00 - 165.00
<b>Quarter 2</b>	550.00	135.00	284.00	51.64 %	247.50 - 302.50
<b>Quarter 3</b>	550.00	172.00	456.00	82.91 % *	385.00 - 440.00
<u>Explanation of Variance:</u> OIEC exceeded this measure's target because more preparation appointments than anticipated were held during the third quarter. This is a positive result and OIEC expects that this measure will be met or exceeded at the end of the fiscal year.					
<b>Quarter 4</b>	550.00	180.00	636.00	115.64 % *	522.50 - 577.50
<u>Explanation of Variance:</u> OIEC exceeded this measure's target because more employees were prepared for an appeal than anticipated during FY 2011, which is a positive result.					

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<b>Output Measures</b>					
<u>2-1-1 RIGHTS RESPONSIBILITIES &amp; REFERRAL</u>					
1 # INJURED EMPLOYEES REACHED					
<b>Quarter 1</b>	212,000.00	48,315.00	48,315.00	22.79 %	42,400.00 - 63,600.00
<b>Quarter 2</b>	212,000.00	41,629.00	89,944.00	42.43 % *	95,400.00 - 116,600.00
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target for the first half of the fiscal year because fewer injuries have been reported. OIEC believes the decline is due in part to the economy. With the rise in unemployment, there have not been as many injuries reported.					
<b>Quarter 3</b>	212,000.00	47,175.00	137,119.00	64.68 % *	148,400.00 - 169,600.00
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target for the third quarter because fewer injuries have been reported. OIEC believes the decline is due in part to the economy. With the rise in unemployment, there have not been as many injuries reported.					
<b>Quarter 4</b>	212,000.00	47,416.00	184,535.00	87.04 % *	201,400.00 - 222,600.00
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target during FY 2011 because fewer injuries have been reported. OIEC believes the decline is due in part to the economy. With the rise in unemployment, there have not been as many injuries reported.					
<u>3-1-1 PARTICIPATE IN RULEMAKING</u>					

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<b>Output Measures</b>					
1 NUMBER OF ADOPTED RULES ANALYZED					
<b>Quarter 1</b>	9.00	0.00	0.00	0.00 % *	1.80 - 2.70
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target during the first quarter of FY 2011 because no rules were adopted during the period. OIEC anticipates that the target will be met by the end of the fiscal year due to the Texas Department of Insurance's, the Division of Workers' Compensation's, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.					
<b>Quarter 2</b>	9.00	8.00	8.00	88.89 % *	4.05 - 4.95
<u>Explanation of Variance:</u> OIEC exceeded this measure's target during the first two quarters of FY 2011 because eight rules were adopted during the period. OIEC anticipates that the target will be met or exceeded by the end of the fiscal year due to the Texas Department of Insurance's, the Division of Workers' Compensation's, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.					
<b>Quarter 3</b>	9.00	0.00	8.00	88.89 % *	6.30 - 7.20
<u>Explanation of Variance:</u> OIEC exceeded this measure's target during the first three quarters of FY 2011 because eight rules were adopted during the period. OIEC anticipates that the target will be met or exceeded by the end of the fiscal year due to the Texas Department of Insurance's, the Division of Workers' Compensation's, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.					
<b>Quarter 4</b>	9.00	3.00	11.00	122.22 % *	8.55 - 9.45
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) analyzes and actively participates in both the Texas Department of Insurance (TDI) and Division of Workers' Compensation (DWC) rule initiatives to carryout its statutory mission to advocate on behalf of the injured employees of Texas pursuant to Texas Labor Code §§404.101 and 404.104. OIEC exceeded this measure's target during FY 2011 because more rules were adopted within the fiscal year than anticipated.					

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2 # ADOPTED RULES W/PARTICIPATION					
<b>Quarter 1</b>	8.00	0.00	0.00	0.00 % *	1.60 - 2.40
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target during the first quarter of FY 2011 because no rules were adopted during the period. OIEC anticipates that the target will be met by the end of the fiscal year due to the Texas Department of Insurance's, the Division of Workers' Compensation's, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.					
<b>Quarter 2</b>	8.00	6.00	6.00	75.00 % *	3.60 - 4.40
<u>Explanation of Variance:</u> OIEC exceeded this measure's target during the first two quarters of FY 2011 because eight rules were adopted during the period. OIEC anticipates that the target will be met by the end of the fiscal year due to the Texas Department of Insurance's, the Division of Workers' Compensation's, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.					
<b>Quarter 3</b>	8.00	0.00	6.00	75.00 %	5.60 - 6.40
<b>Quarter 4</b>	8.00	2.00	8.00	100.00 %	7.60 - 8.40

**Efficiency Measures**

2-1-1 RIGHTS RESPONSIBILITIES & REFERRAL

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<b>Efficiency Measures</b>					
1 AVG DAYS FOR INJURED EMP CONTACT					
<b>Quarter 1</b>	28.00	22.53	22.53	80.46 % *	26.60 - 29.40
<u>Explanation of Variance:</u> The performance for this measure exceeded the target during the first quarter of FY 2011, which is a positive result. Notices of Injured Employee's Rights and Responsibilities in the Workers' Compensation system are returned due to incorrect addresses. The agency does not have the opportunity to receive some of the returned mail and update the contact information until the following quarter. Therefore, as the fiscal year progresses the average number of days will increase. However, OIEC anticipates that the target will be met or exceeded by the end of this fiscal year.					
<b>Quarter 2</b>	28.00	20.68	21.65	77.32 % *	26.60 - 29.40
<u>Explanation of Variance:</u> The performance for this measure exceeded the target during the first half of FY 2011, which is a positive result. Notices of Injured Employee's Rights and Responsibilities in the Workers' Compensation system are returned due to incorrect addresses. The agency does not have the opportunity to receive some of the returned mail and update the contact information until the following quarter. Therefore, as the fiscal year progresses the average number of days will increase. However, OIEC anticipates that the target will be met or exceeded by the end of this fiscal year.					
<b>Quarter 3</b>	28.00	17.22	20.14	71.93 % *	26.60 - 29.40
<u>Explanation of Variance:</u> The performance for this measure exceeded the target during the first three quarters of FY 2011, which is a positive result. Notices of Injured Employee's Rights and Responsibilities in the Workers' Compensation system are returned due to incorrect addresses. The agency does not have the opportunity to receive some of the returned mail and update the contact information until the following quarter. Therefore, as the fiscal year progresses the average number of days will increase. However, OIEC anticipates that the target will be met or exceeded by the end of this fiscal year.					
<b>Quarter 4</b>	28.00	12.14	18.42	65.79 % *	26.60 - 29.40
<u>Explanation of Variance:</u> The performance for this measure exceeded the target in FY 2011, which is a positive result. The target was exceeded due to the timely electronic distribution of the Notice of Injured Employee Rights and Responsibilities in the Workers' Compensation System.					

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