

# Legislative Appropriations Request

for Fiscal Years 2020 and 2021

Submitted to the Office of the Governor, Budget Division,

and the Legislative Budget Board

by

The Office of Injured Employee Counsel



July 27, 2018



## CERTIFICATE

Agency Name Office of Injured Employee Counsel

This is to certify that the information contained in the agency Legislative Appropriations Request filed with the Legislative Budget Board (LBB) and the Governor's Office Budget Division (Governor's Office) 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 (2018-19 GAA).

**Chief Executive Officer or Presiding Judge**

Jessica Barta  
Signature

Jessica Barta  
Printed Name

Public Counsel  
Title

7/27/2018  
Date

**Board or Commission Chair**

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Chief Financial Officer**

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**OFFICE OF INJURED EMPLOYEE COUNSEL  
REQUEST FOR LEGISLATIVE APPROPRIATIONS  
FISCAL YEARS 2020 AND 2021**

<b>ADMINISTRATOR'S STATEMENT</b> .....	1
<b>ORGANIZATIONAL CHART</b> .....	1.A.
<b>SUMMARIES OF REQUEST</b> .....	2
Budget Overview.....	2
Summary of Base Request by Strategy .....	2.A.
Summary of Base Request by Method of Finance .....	2.B.
Summary of Base Request by Object of Expense.....	2.C.
Summary of Base Request by Objective Outcomes.....	2.D.
Summary of Exceptional Items Request.....	2.E.
Summary of Total Request by Strategy.....	2.F.
Summary of Total Request Objective Outcomes .....	2.G.
<b>STRATEGY REQUESTS</b> .....	3
01-01-01 Assist Unrepresented Injured Employees in Dispute Resolution.....	3.A.
02-01-01 Increase Injured Employee Education and Provide Referrals.....	3.A.
03-01-01 Advocate for Injured Employees.....	3.A.
Program-Level Request.....	3.A.1.
<b>RIDER REQUESTS</b>	
Rider Revisions and Additions Request.....	3.B.
<b>SUPPORTING SCHEDULES</b> .....	6
Historically Underutilized Business Supporting Schedule.....	6.A.
10 Percent Biennial Base Reduction Options Schedule.....	6.I.

## Administrator's Statement

7/24/2018 3:25:04PM

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

---

### 448 Office of Injured Employee Counsel

---

The Legislature created the Office of Injured Employee Counsel (OIEC) in 2005 as an independent state agency to advocate for the interests of workers' compensation claimants. OIEC's mission is to assist, educate, and advocate on behalf of the injured employees of Texas. OIEC is administratively attached to the Texas Department of Insurance. OIEC and TDI have executed a Roles and Responsibilities document which clearly outlines each parties responsibilities with respect to the attachment. Currently OIEC and TDI have a budget rider to assist in tracking high level expenditures, last biennium both agencies requested to delete this rider and would respectfully request to do the same for the upcoming biennium.

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.

OIEC accomplishes its mission through 3 primary strategies. The ombudsman program and the customer service program areas comprise the bulk of the agency and have staff allocated in each of the 20 offices throughout the state. During the last biennium OIEC streamlined management responsibilities so that all employees in a single office report to the same manager regardless of their role. This change allowed for more cohesiveness within the office and also reduced travel costs significantly. The third strategy is the legal services division, which is comprised of regional staff attorneys, agency trainers and quality assurance specialists. The legal services team is divided into regions, but play a vital role in on-boarding new employees and continuing education requirements.

OIEC like many other state agencies struggles to keep up with technology advancements. The administrative attachment to TDI also adds an additional layer of complexity when seeking technological advancements. The current systems OIEC uses are antiquated and yet not easily replaced. OIEC has improved reporting capabilities in the last biennium but still lacks the ability to produce real time reports due to outdated systems.

The biggest challenge OIEC faces is staff turnover. OIEC must staff 20 different locations throughout the state, and ideally staff those locations with predominantly bilingual (Spanish and English) employees. While the boom in the Texas economy is evident, it does provide a challenge for state agency's, especially in rural areas, to compete for highly skilled staff. As we face a significant portion of our current employees approaching retirement eligibility OIEC must remain focused on attracting and retaining employees.

10% Reduction. Salaries and other personnel costs make up 94 percent of OIEC's budget; therefore, a reduction-in-force would be our only option. The reduction, which would include 25 Customer Service Specialist (CSS) IIIs and one CSS IV, would come from the Customer Service Program and would negatively impact key and non-key performance measures. A reduction of this magnitude in the Customer Service Program would significantly reduce the agency's ability to: 1) provide customers with the necessary information to effectively navigate the complex workers' compensation system, 2) provide customer service via telephone and in-person at the 20 field offices across the State, and 3) provide early intervention efforts to resolve disputes prior to a DWC administrative proceeding. Additionally, CSSs order medical records, docket proceedings, and schedule preparation appointments during the dispute resolution process. These functions would be eliminated as a result of the staff reduction and is likely to delay dispute resolution and injured employee benefits.

**Office of Injured Employee Counsel**

**Jessica Barta  
OIEC Public Counsel**

**Gina McCauley  
General Counsel  
Central**

**Andria Franco  
Deputy Public Counsel**

**Alejandra Hernandez  
Field Ops.  
Coordinator**

**Kelly Loftus  
Attorney**

**Kathleen Contreras  
Legal Services  
Coordinator**

**Sheila Henry  
HR Liaison**

**JoAnn Flores  
Acting Regional  
Manager  
Region I  
Fort Worth  
(13 FTEs)**

**Isaac Sanchez  
Regional Manager  
Region V  
San Antonio  
(19 FTEs)**

**Cathy Browning  
Attorney**

**Alma Valencia  
Administrative  
Assistant**

**May Bieter  
Purchasing Liaison**

**Catherine Ripley  
Regional Manager  
Region II  
Dallas  
(12 FTEs)**

**Topaz Lantz  
Regional Manager  
Region VI  
Houston West  
(14 FTEs)**

**Jose Cuellar  
Attorney**

**Marisol Meckley  
Administrative  
Assistant**

**Joann Anderson  
Communications  
Specialist**

**Adriana Torres  
Regional Manager  
Region III  
Amarillo  
(13 FTEs)**

**Mary Watkins  
Regional Manager  
Region VII  
Weslaco  
(13 FTEs)**

**Veronica Boulden  
Attorney**

**Vickie Uptmor  
Associate Director  
Quality Assurance**

**Margot Arellano  
Travel Liaison**

**Yolanda Garcia  
Regional Manager  
Region IV  
Lubbock  
(12 FTEs)**

**Sandra Frausto-  
Gomez  
Regional Manager  
Region VIII  
Houston East  
(10 FTEs)**

**Ben DeLeon  
Attorney**

**Marie Ruddick  
Quality Assurance  
Analyst**

**Dominique Daruvalla  
Budget & Reporting  
Analyst/Call Center  
Manager  
(7 FTEs)**

**Johanna Thomas  
Attorney**

**Julie Ramirez  
Ombudsman**

**Budget Overview - Biennial Amounts**  
**86th Regular Session, Agency Submission, Version 1**  
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel  
Appropriation Years: 2020-21

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS	
	2018-19	2020-21	2018-19	2020-21	2018-19	2020-21	2018-19	2020-21	2018-19	2020-21	2020-21	
<b>Goal: 1. Assist Individual Injured Employees through the Ombudsman Program</b>												
1.1.1. Ombudsman Program			10,204,116	10,181,654					10,204,116	10,181,654		
<b>Total, Goal</b>			<b>10,204,116</b>	<b>10,181,654</b>					<b>10,204,116</b>	<b>10,181,654</b>		
<b>Goal: 2. Increase Injured Employee Education and Provide Referrals</b>												
2.1.1. Rights Responsibilities & Referral			3,804,691	3,877,680					3,804,691	3,877,680		
<b>Total, Goal</b>			<b>3,804,691</b>	<b>3,877,680</b>					<b>3,804,691</b>	<b>3,877,680</b>		
<b>Goal: 3. Advocate for Injured Employees As a Class</b>												
3.1.1. Advocate For Injured Employees			3,519,459	3,468,932					3,519,459	3,468,932		
<b>Total, Goal</b>			<b>3,519,459</b>	<b>3,468,932</b>					<b>3,519,459</b>	<b>3,468,932</b>		
<b>Total, Agency</b>			<b>17,528,266</b>	<b>17,528,266</b>					<b>17,528,266</b>	<b>17,528,266</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

7/24/2018 3:25:04PM

86th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

Goal / Objective / STRATEGY	Exp 2017	Est 2018	Bud 2019	Req 2020	Req 2021
<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>	4,883,428	4,843,021	5,361,095	5,090,827	5,090,827
<b>TOTAL, GOAL           1</b>	<b>\$4,883,428</b>	<b>\$4,843,021</b>	<b>\$5,361,095</b>	<b>\$5,090,827</b>	<b>\$5,090,827</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>	1,786,521	1,723,442	2,081,249	1,938,840	1,938,840
<b>TOTAL, GOAL           2</b>	<b>\$1,786,521</b>	<b>\$1,723,442</b>	<b>\$2,081,249</b>	<b>\$1,938,840</b>	<b>\$1,938,840</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>	1,403,081	1,704,886	1,814,573	1,734,466	1,734,466
<b>TOTAL, GOAL           3</b>	<b>\$1,403,081</b>	<b>\$1,704,886</b>	<b>\$1,814,573</b>	<b>\$1,734,466</b>	<b>\$1,734,466</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>

2.A. Summary of Base Request by Strategy

7/24/2018 3:25:04PM

86th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

<b>Goal / Objective / STRATEGY</b>	<b>Exp 2017</b>	<b>Est 2018</b>	<b>Bud 2019</b>	<b>Req 2020</b>	<b>Req 2021</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*</b>				<b>\$0</b>	<b>\$0</b>
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<u>METHOD OF FINANCING:</u>					
<b>General Revenue Dedicated Funds:</b>					
36 Dept Ins Operating Acct	8,073,030	8,271,349	9,256,917	8,764,133	8,764,133
<b>SUBTOTAL</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>

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

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

7/24/2018 3:25:04PM

86th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **448**

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

METHOD OF FINANCING	Exp 2017	Est 2018	Bud 2019	Req 2020	Req 2021
---------------------	----------	----------	----------	----------	----------

**GENERAL REVENUE FUND - DEDICATED**

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

*REGULAR APPROPRIATIONS*

Regular Appropriations from MOF Table (2016-17 GAA)

\$8,645,239	\$0	\$0	\$0	\$0
-------------	-----	-----	-----	-----

Regular Appropriations from MOF Table (2018-19 GAA)

\$0	\$8,816,111	\$8,816,111	\$0	\$0
-----	-------------	-------------	-----	-----

Regular Appropriations from MOF Table (2020-21 GAA)

\$0	\$0	\$0	\$8,764,133	\$8,764,133
-----	-----	-----	-------------	-------------

*RIDER APPROPRIATION*

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

\$125,166	\$0	\$0	\$0	\$0
-----------	-----	-----	-----	-----

Article VIII, Rider 2- Unexpended Balance (p. VIII-16 of 201-19 GAA)

\$0	\$(440,806)	\$440,806	\$0	\$0
-----	-------------	-----------	-----	-----

*TRANSFERS*

Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17)

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

7/24/2018 3:25:04PM

86th 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>				
METHOD OF FINANCING		Exp 2017	Est 2018	Bud 2019	Req 2020	Req 2021
<b><u>GENERAL REVENUE FUND - DEDICATED</u></b>						
		\$111,053	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>						
	Savings due to Hiring Freeze	\$(808,428)	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$(103,956)	\$0	\$0	\$0
	<b>Comments:</b> At the start of FY 2018 OIEC had over 20% of appropriated positions vacant due to turnover and the hiring freeze. OIEC continues to actively post, recruit, and fill all available positions. Training requirements, geographical limitations and job competition from other state agencies continue to contribute to vacancies.					
<b>TOTAL,</b>	<b>GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>TOTAL, ALL</b>	<b>GENERAL REVENUE FUND - DEDICATED</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>TOTAL,</b>	<b>GR &amp; GR-DEDICATED FUNDS</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>GRAND TOTAL</b>		<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>

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

7/24/2018 3:25:04PM

86th 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 2017</b>	<b>Est 2018</b>	<b>Bud 2019</b>	<b>Req 2020</b>	<b>Req 2021</b>
<b>FULL-TIME-EQUIVALENT POSITIONS</b>					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2016-17 GAA)	175.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2018-19 GAA)	0.0	175.0	175.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA)	0.0	0.0	0.0	175.0	175.0
LAPSED APPROPRIATIONS					
Savings Due to Hiring Freeze	(18.3)	0.0	0.0	0.0	0.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Regular Appropriation from MOF Table (2016-17 GAA)	(5.8)	0.0	0.0	0.0	0.0
Regular Appropriation from MOF Table (2018-19 GAA)	0.0	(24.4)	0.0	0.0	0.0
<b>TOTAL, ADJUSTED FTES</b>	<b>150.9</b>	<b>150.6</b>	<b>175.0</b>	<b>175.0</b>	<b>175.0</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

7/24/2018 3:25:04PM

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

OBJECT OF EXPENSE	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
1001 SALARIES AND WAGES	\$6,885,810	\$6,896,760	\$8,058,039	\$8,058,039	\$8,058,039
1002 OTHER PERSONNEL COSTS	\$489,942	\$284,515	\$224,391	\$224,391	\$224,391
2001 PROFESSIONAL FEES AND SERVICES	\$63,464	\$71,496	\$54,491	\$54,491	\$54,491
2003 CONSUMABLE SUPPLIES	\$680	\$1,675	\$0	\$0	\$0
2004 UTILITIES	\$12,675	\$21,407	\$12,400	\$12,400	\$12,400
2005 TRAVEL	\$346,548	\$343,155	\$222,518	\$202,518	\$202,518
2006 RENT - BUILDING	\$1,125	\$3,740	\$583	\$583	\$583
2007 RENT - MACHINE AND OTHER	\$0	\$2,944	\$0	\$0	\$0
2009 OTHER OPERATING EXPENSE	\$272,786	\$645,657	\$684,495	\$211,711	\$211,711
<b>OOE Total (Excluding Riders)</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>OOE Total (Riders)</b>					
<b>Grand Total</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>

**2.D. Summary of Base Request Objective Outcomes**  
86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation system of Texas (ABEST)

7/24/2018 3:25:04PM

**448 Office of Injured Employee Counsel**

Goal/ Objective / Outcome	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
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	63.50%	65.30%	62.00%	62.00%	62.00%
<b>KEY</b> 2 % Dispute Resolution Proceedings at DWC with Ombudsman Assistance	50.60%	50.90%	44.00%	45.00%	45.00%
<b>KEY</b> 3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist	23.40%	26.60%	27.00%	26.00%	26.00%
<b>KEY</b> 4 Percentage of Appeal Issues Prevailed with Ombudsman Assistance	21.30%	23.60%	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 Percentage of Rules Changed for the Benefit of Injured Employees	100.00%	100.00%	100.00%	100.00%	100.00%



**2.F. Summary of Total Request by Strategy**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/24/2018  
 TIME : 3:25:05PM

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

Goal/Objective/STRATEGY	Base 2020	Base 2021	Exceptional 2020	Exceptional 2021	Total Request 2020	Total Request 2021
<b>1 Assist Individual Injured Employees through the Ombudsman Program</b>						
1 Assist Unrepresented Injured Employees in Dispute Resolution						
1 OMBUDSMAN PROGRAM	\$5,090,827	\$5,090,827	\$0	\$0	\$5,090,827	\$5,090,827
<b>TOTAL, GOAL 1</b>	<b>\$5,090,827</b>	<b>\$5,090,827</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,090,827</b>	<b>\$5,090,827</b>
<b>2 Increase Injured Employee Education and Provide Referrals</b>						
1 Inform Injured Employees/System Participants and Provide Referrals						
1 RIGHTS RESPONSIBILITIES & REFERRAL	1,938,840	1,938,840	0	0	1,938,840	1,938,840
<b>TOTAL, GOAL 2</b>	<b>\$1,938,840</b>	<b>\$1,938,840</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,938,840</b>	<b>\$1,938,840</b>
<b>3 Advocate for Injured Employees As a Class</b>						
1 Ensure Adequate Rules to Protect Injured Employees and Act as Reso						
1 ADVOCATE FOR INJURED EMPLOYEES	1,734,466	1,734,466	0	0	1,734,466	1,734,466
<b>TOTAL, GOAL 3</b>	<b>\$1,734,466</b>	<b>\$1,734,466</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,734,466</b>	<b>\$1,734,466</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST</b>						
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>

**2.F. Summary of Total Request by Strategy**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/24/2018  
 TIME : 3:25:05PM

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

<b>Goal/Objective/STRATEGY</b>	<b>Base 2020</b>	<b>Base 2021</b>	<b>Exceptional 2020</b>	<b>Exceptional 2021</b>	<b>Total Request 2020</b>	<b>Total Request 2021</b>
<b>General Revenue Dedicated Funds:</b>						
36 Dept Ins Operating Acct	\$8,764,133	\$8,764,133	\$0	\$0	\$8,764,133	\$8,764,133
	<b>\$8,764,133</b>	<b>\$8,764,133</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,764,133</b>	<b>\$8,764,133</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**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 7/24/2018  
 Time: 3:25:05PM

Agency code: 448

Agency name: Office of Injured Employee Counsel

Goal/ Objective / Outcome

		BL 2020	BL 2021	Excp 2020	Excp 2021	Total Request 2020	Total Request 2021
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>						
		45.00%	45.00%			45.00%	45.00%
<b>KEY</b>	<b>3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist</b>						
		26.00%	26.00%			26.00%	26.00%
<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 Percentage of Rules Changed for the Benefit of Injured Employees</b>						
		100.00%	100.00%			100.00%	100.00%

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
<b>Output Measures:</b>						
	1 Number of Injured Employees Prepared for BRC by an Ombudsman	6,074.00	5,450.00	5,500.00	5,500.00	5,500.00
KEY	2 Number of Benefit Review Conferences with Ombudsman Assistance	7,739.00	6,275.00	6,500.00	6,500.00	6,500.00
	3 Number of Injured Employees Prepared for CCH by an Ombudsman	3,900.00	3,225.00	3,000.00	3,000.00	3,000.00
KEY	4 Number of Contested Case Hearings with Ombudsman Assistance	3,770.00	3,356.00	2,600.00	2,600.00	2,600.00
KEY	5 Number of Injured Employees Prepared for an Appeal by an Ombudsman	1,572.00	1,241.00	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	22.00	23.40	22.00	23.00	23.00
<b>Explanatory/Input Measures:</b>						
	1 Avg Dollar Amount Saved/Injured Employee Assisted by Ombudsman	2,145.00	2,034.00	1,800.00	1,800.00	1,800.00
	2 Number of Disputed Issues Resolved Prior to Entering a Proceeding	5,147.00	4,900.00	5,400.00	5,000.00	5,000.00

**3.A. Strategy Request**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

7/24/2018 3:25:05PM

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
KEY 3	Number of Preparation Appointments Prior to Benefit Review Conference	17,132.00	14,500.00	15,000.00	15,000.00	15,000.00
KEY 4	Number of Preparation Appointments Prior to Contested Case Hearing	6,510.00	5,400.00	5,000.00	5,000.00	5,000.00
KEY 5	Number of Preparation Appointments Held for an Appeal by an Ombudsman	1,659.00	1,348.00	1,050.00	1,050.00	1,050.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$4,173,774	\$4,100,320	\$4,687,307	\$4,687,307	\$4,687,307
1002	OTHER PERSONNEL COSTS	\$327,934	\$183,672	\$150,737	\$150,737	\$150,737
2001	PROFESSIONAL FEES AND SERVICES	\$22,005	\$6,796	\$2,000	\$2,000	\$2,000
2003	CONSUMABLE SUPPLIES	\$69	\$508	\$0	\$0	\$0
2004	UTILITIES	\$6,193	\$8,358	\$5,500	\$5,500	\$5,500
2005	TRAVEL	\$219,423	\$186,000	\$152,000	\$152,000	\$152,000
2006	RENT - BUILDING	\$300	\$1,914	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$0	\$450	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$133,730	\$355,003	\$363,551	\$93,283	\$93,283
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$4,883,428</b>	<b>\$4,843,021</b>	<b>\$5,361,095</b>	<b>\$5,090,827</b>	<b>\$5,090,827</b>

**Method of Financing:**

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
36	Dept Ins Operating Acct	\$4,883,428	\$4,843,021	\$5,361,095	\$5,090,827	\$5,090,827
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$4,883,428</b>	<b>\$4,843,021</b>	<b>\$5,361,095</b>	<b>\$5,090,827</b>	<b>\$5,090,827</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$5,090,827</b>	<b>\$5,090,827</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$4,883,428</b>	<b>\$4,843,021</b>	<b>\$5,361,095</b>	<b>\$5,090,827</b>	<b>\$5,090,827</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>92.3</b>	<b>91.1</b>	<b>103.0</b>	<b>103.0</b>	<b>103.0</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.

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
------	-------------	----------	----------	----------	---------	---------

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

- 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

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
------	-------------	----------	----------	----------	---------	---------

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

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2018 + Bud 2019)	Baseline Request (BL 2020 + BL 2021)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$10,204,116	\$10,181,654	\$(22,462)	\$(22,462)	Budget realignment of positions during the biennium and persisting vacancies from the hiring freeze created savings shifted to other strategies for one-time purchases and temporary hires.
			<b>\$(22,462)</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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
<b>Output Measures:</b>						
1	Nbr of Calls and Emails Where Injured Employees Were Educated/Assisted	257,019.00	221,000.00	220,000.00	220,000.00	220,000.00
2	Number of Injured Employees Assisted at Local Field Offices	26,801.00	23,000.00	27,000.00	22,000.00	22,000.00
3	Number of Public Outreach Presentations Performed	253.00	250.00	175.00	175.00	175.00
4	Number of Referrals Made to Social Service Entities	5,029.00	8,000.00	5,000.00	5,000.00	5,000.00
<b>Efficiency Measures:</b>						
KEY 1	Avg # of Educational Sessions Provided to Injured Employees Per Month	23,673.00	20,200.00	20,000.00	20,000.00	20,000.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$1,515,819	\$1,403,860	\$1,792,903	\$1,792,903	\$1,792,903
1002	OTHER PERSONNEL COSTS	\$111,330	\$54,395	\$47,565	\$47,565	\$47,565
2001	PROFESSIONAL FEES AND SERVICES	\$1,479	\$19,500	\$19,500	\$19,500	\$19,500
2003	CONSUMABLE SUPPLIES	\$611	\$0	\$0	\$0	\$0
2004	UTILITIES	\$2,980	\$6,603	\$3,300	\$3,300	\$3,300
2005	TRAVEL	\$96,754	\$90,018	\$60,000	\$40,000	\$40,000
2009	OTHER OPERATING EXPENSE	\$57,548	\$149,066	\$157,981	\$35,572	\$35,572

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$1,786,521</b>	<b>\$1,723,442</b>	<b>\$2,081,249</b>	<b>\$1,938,840</b>	<b>\$1,938,840</b>
<b>Method of Financing:</b>						
36	Dept Ins Operating Acct	\$1,786,521	\$1,723,442	\$2,081,249	\$1,938,840	\$1,938,840
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$1,786,521</b>	<b>\$1,723,442</b>	<b>\$2,081,249</b>	<b>\$1,938,840</b>	<b>\$1,938,840</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$1,938,840</b>	<b>\$1,938,840</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$1,786,521</b>	<b>\$1,723,442</b>	<b>\$2,081,249</b>	<b>\$1,938,840</b>	<b>\$1,938,840</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>39.6</b>	<b>38.6</b>	<b>49.0</b>	<b>49.0</b>	<b>49.0</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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
------	-------------	----------	----------	----------	---------	---------

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
------	-------------	----------	----------	----------	---------	---------

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

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2018 + Bud 2019)	Baseline Request (BL 2020 + BL 2021)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$3,804,691	\$3,877,680	\$72,989	\$72,989	Budget realignment of positions during the biennium and persisting vacancies from the hiring freeze created savings shifted to other strategies for one-time purchases and temporary hires.
			<b>\$72,989</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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
<b>Output Measures:</b>						
KEY 1	Number of Assists a Regional Staff Attorney Provides to an Ombudsman	3,369.00	2,850.00	2,700.00	2,700.00	2,700.00
2	Number of Advocacy Training Sessions by Regional Staff Attorneys	442.00	400.00	200.00	200.00	200.00
<b>Explanatory/Input Measures:</b>						
1	Number of Workers' Compensation Rules Adopted by TDI-DWC and OIEC	1.00	0.00	6.00	3.00	3.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$1,196,217	\$1,392,580	\$1,577,829	\$1,577,829	\$1,577,829
1002	OTHER PERSONNEL COSTS	\$50,678	\$46,448	\$26,089	\$26,089	\$26,089
2001	PROFESSIONAL FEES AND SERVICES	\$39,980	\$45,200	\$32,991	\$32,991	\$32,991
2003	CONSUMABLE SUPPLIES	\$0	\$1,167	\$0	\$0	\$0
2004	UTILITIES	\$3,502	\$6,446	\$3,600	\$3,600	\$3,600
2005	TRAVEL	\$30,371	\$67,137	\$10,518	\$10,518	\$10,518
2006	RENT - BUILDING	\$825	\$1,826	\$583	\$583	\$583
2007	RENT - MACHINE AND OTHER	\$0	\$2,494	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$81,508	\$141,588	\$162,963	\$82,856	\$82,856

**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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$1,403,081</b>	<b>\$1,704,886</b>	<b>\$1,814,573</b>	<b>\$1,734,466</b>	<b>\$1,734,466</b>
<b>Method of Financing:</b>						
36	Dept Ins Operating Acct	\$1,403,081	\$1,704,886	\$1,814,573	\$1,734,466	\$1,734,466
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$1,403,081</b>	<b>\$1,704,886</b>	<b>\$1,814,573</b>	<b>\$1,734,466</b>	<b>\$1,734,466</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$1,734,466</b>	<b>\$1,734,466</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$1,403,081</b>	<b>\$1,704,886</b>	<b>\$1,814,573</b>	<b>\$1,734,466</b>	<b>\$1,734,466</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>19.0</b>	<b>20.9</b>	<b>23.0</b>	<b>23.0</b>	<b>23.0</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 2017	Est 2018	Bud 2019	BL 2020	BL 2021
------	-------------	----------	----------	----------	---------	---------

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  
 STRATEGY: 1 Advocate for Injured Employees

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

CODE	DESCRIPTION	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
------	-------------	----------	----------	----------	---------	---------

- 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 2018 + Bud 2019)	Baseline Request (BL 2020 + BL 2021)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$3,519,459	\$3,468,932	\$(50,527)	\$(50,527)	Budget realignment of positions during the biennium and persisting vacancies from the hiring freeze created savings shifted to other strategies for one-time purchases and temporary hires.
			<b>\$(50,527)</b>	<b>Total of Explanation of Biennial Change</b>

---

**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>METHODS OF FINANCE (INCLUDING RIDERS):</b>				<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>METHODS OF FINANCE (EXCLUDING RIDERS):</b>	<b>\$8,073,030</b>	<b>\$8,271,349</b>	<b>\$9,256,917</b>	<b>\$8,764,133</b>	<b>\$8,764,133</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>150.9</b>	<b>150.6</b>	<b>175.0</b>	<b>175.0</b>	<b>175.0</b>

**3.A.1. PROGRAM-LEVEL REQUEST SCHEDULE**  
85th Regular Session, Agency Submission, Version 1

Agency Code: 448		Agency: Office of Injured Employee Counsel				Prepared By: Dominique Daruvalla					
Date: July 27, 2018						18-19 Base	Requested 2020	Requested 2021	Biennial Total 20-21	Biennial Difference	
Goal	Goal Name	Strategy	Strategy Name	Program	Program Name					\$	%
A	Assist Injured Employees	A.1.1.	Assist Unrepresented Injured Employees in Dispute Resolution	A.1.1.1.	Ombudsman Program	\$10,204,116	\$5,090,827	\$5,090,827	\$10,181,654	(\$22,462)	-0.2%
B	Educate Injured Employees	B.1.1.	Educate Unrepresented Injured Employees of Rights, Responsibilities and Provide Referrals	B.1.1.1.	Customer Service Program	\$3,804,691	\$1,938,840	\$1,938,840	\$3,877,680	\$72,989	1.9%
C	Advocate for Injured Employees	C.1.1.	Advocate for Injured Employees	C.1.1.1.	Legal Services Program	\$1,613,944	\$801,860	\$801,860	\$1,603,720	(\$10,224)	-0.6%
C	Advocate for Injured Employees	C.1.1.	Advocate for Injured Employees	C.1.1.2.	Administration & Operations	\$1,905,515	\$932,606	\$932,606	\$1,865,212	(\$40,303)	-2.1%
Agency Total						\$17,528,266	\$8,764,133	\$8,764,133	\$17,528,266	\$0	0.0%

### 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> July 27, 2018	<b>Request Level:</b> Base
<b>Current Rider Number</b>	<b>Page Number in 2018-19 GAA</b>	<b>Proposed Rider Language</b>		

2	VIII-17	<p><b>Unexpended Balance Authority.</b> Any unexpended balances as of August 31, <del>2018</del><u>2020</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>2019</del><u>2021</u>.</p>
---	---------	---

3	VIII-17	<p><del><b>Administrative Attachment Budget.</b> Amounts appropriated to the Texas Department of Insurance in Strategy E.1.1, Central Administration, include \$875,000 each year of the biennium in General Revenue-Dedicated Texas Department of Insurance Operating Fund 36 funding for the costs of rental space, equipment, postage, and supplies associated with the administrative attachment costs for the Office of Injured Employee Counsel (OIEC). OIEC may not exceed projected expenditures in the above mentioned categories by more than ten percent without prior written approval from the Legislative Budget Board (LBB).</del></p>
---	---------	---

*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.*

*OIEC is requesting to delete the Administrative Attachment Budget rider. Texas Department of Insurance will also be requesting their corresponding rider # 17 found on page VIII-23 in the 2018-19 GAA be deleted as well.*

**6.A. Historically Underutilized Business Supporting Schedule**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
 Time: 3:25:08PM

Agency Code: 448 Agency: Office of Injured Employee Counsel

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2016 - 2017 HUB Expenditure Information**

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2016			Total Expenditures		HUB Expenditures FY 2017			Total Expenditures	
			% Actual	Diff	Actual \$	FY 2016	% Goal	% Actual	Diff	Actual \$	FY 2017	
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	\$0	
23.7%	Professional Services	0.8 %	100.0%	99.3%	\$19,460	\$19,460	5.0 %	100.0%	95.0%	\$56,329	\$56,329	
26.0%	Other Services	18.6 %	0.2%	-18.4%	\$244	\$100,806	15.0 %	0.2%	-14.8%	\$178	\$95,576	
21.1%	Commodities	21.1 %	72.3%	51.2%	\$89,919	\$124,435	21.1 %	68.1%	47.0%	\$60,510	\$88,826	
	<b>Total Expenditures</b>		<b>44.8%</b>		<b>\$109,623</b>	<b>\$244,701</b>		<b>48.6%</b>		<b>\$117,017</b>	<b>\$240,731</b>	

**B. Assessment of Fiscal Year 2016 - 2017 Efforts to Meet HUB Procurement Goals**

**Attainment:**

The agency attained or exceeded two of the three, or 66.66 percent, of the applicable statewide HUB procurement goals in both FY 2016 and FY 2017.

**Applicability:**

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

**Factors Affecting Attainment:**

OIEC historically does not have a large number of procurements; therefore, when awards are made to non-HUBs the percentages are drastically reduced. However, OIEC was able to exceed two of the three goals in both FY2016 and FY2017. OIEC continues to make every effort to find HUBs for all agency purchases.

**"Good-Faith" Efforts:**

The Texas Department of Insurance provides procurement services for OIEC. TDI's good faith efforts include participating in the quarterly HUB Discussion Group meetings and also attending various HUB forums throughout the State of Texas.

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
Time: 3:25:08PM

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

Item Priority and Name/ <u>Method of Financing</u>	REVENUE LOSS			REDUCTION AMOUNT			PROGRAM AMOUNT		TARGET
	2020	2021	Biennial Total	2020	2021	Biennial Total	2020	2021	Biennial Total

**1 Reduce FTEs in Customer Service Program**

**Category:** Programs - Service Reductions (FTEs-Layoffs)

**Item Comment:** Salaries and other personnel costs make up 94 percent of OIEC’s budget; therefore, a reduction-in-force would be our only option. The reduction, which would include 25 Customer Service Specialist (CSS) IIIs and one CSS IV, would come from the Customer Service Program and would negatively impact key and non-key performance measures. A reduction of this magnitude in the Customer Service Program would significantly reduce the agency's ability to: 1) provide customers with the necessary information to effectively navigate the complex workers’ compensation system, 2) provide customer service via telephone and in-person at the 20 field offices across the State, and 3) provide early intervention efforts to resolve disputes prior to a DWC administrative proceeding. Additionally, CSSs order medical records, docket proceedings, and schedule preparation appointments during the dispute resolution process. These functions would be eliminated as a result of the staff reduction and is likely to delay dispute resolution and injured employee benefits. A 10% reduction for OIEC equals \$876,413 a year. For every 2.5% increment or (\$219,104), OIEC will lose 7 CSS positions.

Strategy: 2-1-1 Assist Injured Employees & Provide Referrals to Programs & Services

Gr Dedicated

36 Dept Ins Operating Acct	\$0	\$0	\$0	\$223,945	\$223,946	\$447,891	\$223,945	\$223,946	\$447,891
<b>Gr Dedicated Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$223,945</b>	<b>\$223,946</b>	<b>\$447,891</b>	<b>\$223,945</b>	<b>\$223,946</b>	<b>\$447,891</b>
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$223,945</b>	<b>\$223,946</b>	<b>\$447,891</b>	<b>\$223,945</b>	<b>\$223,946</b>	<b>\$447,891</b>

**FTE Reductions (From FY 2020 and FY 2021 Base Request)** **7.0**      **7.0**

**2 Reduce FTEs in Customer Service Program**

**Category:** Programs - Service Reductions (FTEs-Layoffs)

**Item Comment:**

Strategy: 2-1-1 Assist Injured Employees & Provide Referrals to Programs & Services

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
Time: 3:25:08PM

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

Item Priority and Name/ <u>Method of Financing</u>	REVENUE LOSS			REDUCTION AMOUNT			PROGRAM AMOUNT		TARGET
	2020	2021	Biennial Total	2020	2021	Biennial Total	2020	2021	Biennial Total
<u>Gr Dedicated</u>									
36 Dept Ins Operating Acct	\$0	\$0	\$0	\$230,733	\$230,733	\$461,466	\$230,733	\$230,733	\$461,466
<b>Gr Dedicated Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$230,733</b>	<b>\$230,733</b>	<b>\$461,466</b>	<b>\$230,733</b>	<b>\$230,733</b>	<b>\$461,466</b>
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$230,733</b>	<b>\$230,733</b>	<b>\$461,466</b>	<b>\$230,733</b>	<b>\$230,733</b>	<b>\$461,466</b>
<b>FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>					<b>7.0</b>	<b>7.0</b>			
<b>3 Reduce FTEs in Customer Service Program</b>									
<b>Category:</b> Programs - Service Reductions (FTEs-Layoffs)									
<b>Item Comment:</b>									
Strategy: 2-1-1 Assist Injured Employees & Provide Referrals to Programs & Services									
<u>Gr Dedicated</u>									
36 Dept Ins Operating Acct	\$0	\$0	\$0	\$211,852	\$211,852	\$423,704	\$211,852	\$211,852	\$423,704
<b>Gr Dedicated Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$211,852</b>	<b>\$211,852</b>	<b>\$423,704</b>	<b>\$211,852</b>	<b>\$211,852</b>	<b>\$423,704</b>
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$211,852</b>	<b>\$211,852</b>	<b>\$423,704</b>	<b>\$211,852</b>	<b>\$211,852</b>	<b>\$423,704</b>
<b>FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>					<b>6.0</b>	<b>6.0</b>			

**4 Reduce FTEs in Customer Service Program**

**Category:** Programs - Service Reductions (FTEs-Layoffs)

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
Time: 3:25:08PM

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

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			PROGRAM AMOUNT		TARGET
	2020	2021	Biennial Total	2020	2021	Biennial Total	2020	2021	Biennial Total
<b>Item Comment:</b>									
Strategy: 2-1-1 Assist Injured Employees & Provide Referrals to Programs & Services									
<u>Gr Dedicated</u>									
36 Dept Ins Operating Acct	\$0	\$0	\$0	\$209,883	\$209,883	\$419,766	\$209,883	\$209,883	\$419,766
<b>Gr Dedicated Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$209,883</b>	<b>\$209,883</b>	<b>\$419,766</b>	<b>\$209,883</b>	<b>\$209,883</b>	<b>\$419,766</b>
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$209,883</b>	<b>\$209,883</b>	<b>\$419,766</b>	<b>\$209,883</b>	<b>\$209,883</b>	<b>\$419,766</b>
<b>FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>					<b>6.0</b>	<b>6.0</b>			
<b>AGENCY TOTALS</b>									
<b>GR Dedicated Total</b>				<b>\$876,413</b>	<b>\$876,414</b>	<b>\$1,752,827</b>			<b>\$1,752,827</b>
<b>Agency Grand Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$876,413</b>	<b>\$876,414</b>	<b>\$1,752,827</b>	<b>\$876,413</b>	<b>\$876,414</b>	<b>\$1,752,827</b>
<b>Difference, Options Total Less Target</b>									
<b>Agency FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>				<b>26.0</b>	<b>26.0</b>				
<b>Article Total</b>				<b>\$876,413</b>	<b>\$876,414</b>	<b>\$1,752,827</b>	<b>\$876,413</b>	<b>\$876,414</b>	<b>\$1,752,827</b>
<b>Statewide Total</b>				<b>\$876,413</b>	<b>\$876,414</b>	<b>\$1,752,827</b>	<b>\$876,413</b>	<b>\$876,414</b>	<b>\$1,752,827</b>