

AGENCY STRATEGIC PLAN

FISCAL YEARS 2021 TO 2025

BY

THE OFFICE OF INJURED EMPLOYEE COUNSEL

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**Hometown
Austin**

DATE OF SUBMISSION

SIGNED: June 1, 2020

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AGENCY MISSION

The Office of Injured Employee Counsel's (OIEC) mission is to assist, educate, and advocate on behalf of the injured employees of Texas.

Statutory Basis

Chapter 404 of the Texas Labor Code provides the statutory authority for OIEC. The statute sets out the powers and duties of the agency, which are to represent the interests of injured employees in the Texas Workers' Compensation System. No other state or federal agency in Texas provides advocacy for injured employees as a class. OIEC is administratively attached to the Texas Department of Insurance (TDI) as provided by Labor Code § 404.002(b).



AGENCY OPERATIONAL GOAL AND ACTION PLAN

To assist unrepresented injured employees in the workers' compensation system.

SPECIFIC ACTION ITEMS TO ACHIEVE YOUR GOAL

- Established an Ombudsman program.
- The Ombudsman Program assists injured employees with their workers' compensation claim and disputes.
- The Ombudsman Program identifies and attempts to resolve disputed issues, if unable to resolve, they request supporting documentation.
- The Ombudsman Program assists injured employees in developing their cases, preparing for mediation, administrative hearings, and appeals.
- The Ombudsman Program refers injured employees to local, state, or federal financial or social services agencies.
- Provides educational outreach presentations regarding injured employee rights within the workers' compensation system.

DESCRIBE HOW YOUR GOAL OR ACTION ITEMS SUPPORT EACH STATEWIDE OBJECTIVE

1. Accountable to tax and fee payers of Texas. OIEC publishes updated budget figures and expenditures to the agency website on a monthly basis making it easy for taxpayers to see how OIEC has used taxpayer dollars. For those taxpayers who do not have access to the internet this information is also available in a hard copy format when requested through the Public Information Act. All OIEC salaries are public records.

2. Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including through the elimination of redundant and non-core functions. OIEC is administratively attached to TDI which allows nearly 95% of the agency's total budget to be used for salaries and personnel costs. OIEC has aligned their policies and procedures with TDI's to ensure efficiency within the administrative attachment.

3. Effective in successfully fulfilling core functions, measuring success in achieving performance measures and implementing plans to continuously improve. Established a centralized training program to ensure consistent performance throughout the state. Provide monthly professional development and training opportunities for all staff based on feedback from stakeholders and system participants. Provide quarterly updates on performance measures to all employees with clear explanations on how their role within the agency impacts the performance measures.

4. Providing excellent customer service. Provide clear and consistent expectations from the onset regarding what excellent customer service means at OIEC. Surveys are given to customers that OIEC has assisted in which they provide feedback regarding performance. Additionally, management also conducts routine observations of staff to ensure the highest level of customer service is being achieved.

5. Transparent such that agency actions can be understood by any Texan. OIEC publishes current and historical statutorily required reports, financial reports, monthly budget and expenditures, audit reports, annual reports, appropriation reports and requests, operating budgets, performance measure results, Sunset documents and reports, Strategic Plan, customer service survey results all to the agency website. In addition, all of these reports are available in hard copy format through the Public Information Act. Additionally, OIEC also posts an organizational chart on the agency website along with contact information for each employee.

AGENCY OPERATIONAL GOAL AND ACTION PLAN

To increase unrepresented injured employees education regarding their rights and responsibilities, and refer them to local, state, and federal programs.

SPECIFIC ACTION ITEMS TO ACHIEVE YOUR GOAL

- Established a Call Center and Customer Service Program.
- The Call Center and Customer Service Program educate injured employees by answering questions in person or over the telephone about the workers' compensation system.
- The Call Center and Customer Service Program identifies and attempts to resolve disputed issues, if unable to resolve, they request supporting documentation.
- Ensures that statutorily required appointments are scheduled.
- The Customer Service Program refers injured employees to local, state, or federal financial or social services agencies.
- Provides educational outreach presentations regarding injured employee rights within the workers' compensation system.

DESCRIBE HOW YOUR GOAL OR ACTION ITEMS SUPPORT EACH STATEWIDE OBJECTIVE

- 1. Accountable to tax and fee payers of Texas.** OIEC publishes updated budget figures and expenditures to the agency website on a monthly basis making it easy for taxpayers to see how OIEC has used taxpayer dollars. For those taxpayers who do not have access to the internet this information is also available in a hard copy format when requested through the Public Information Act. All OIEC salaries are public records.
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AGENCY OPERATIONAL GOAL AND ACTION PLAN

To advocate on behalf of unrepresented injured employees as a class.

SPECIFIC ACTION ITEMS TO ACHIEVE YOUR GOAL

- Established a Legal Services Program.
- The Legal Services Program provides legal counsel to Ombudsman Program regarding worker's compensation laws and rules.
- The Legal Services Program is also responsible for advising executive management on applicable policies, rules, and compliance with State and Federal laws.
- Observe ombudsman to identify any training needs.
- The Legal Services Program develops and conducts training for the Ombudsman and Customer Service Programs.
- Legal Services analyzes and provides comments on proposed rules and appeal panel decisions impacting injured employees.
- Legal Services also files amicus curiae briefs when appropriate.

DESCRIBE HOW YOUR GOAL OR ACTION ITEMS SUPPORT EACH STATEWIDE OBJECTIVE

- 1. Accountable to tax and fee payers of Texas.** OIEC publishes updated budget figures and expenditures to the agency website on a monthly basis making it easy for taxpayers to see how OIEC has used taxpayer dollars. For those taxpayers who do not have access to the internet this information is also available in a hard copy format when requested through the Public Information Act. All OIEC salaries are public records.
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REDUNDANCIES AND IMPEDIMENTS

<p>SERVICE, STATUTE, RULE, OR REGULATION (PROVIDE SPECIFIC CITATION IF APPLICABLE)</p>	<p>N/A</p>
<p>DESCRIBE WHY THE SERVICE, STATUTE, RULE, OR REGULATION IS RESULTING IN INEFFICIENT OR INEFFECTIVE AGENCY OPERATIONS</p>	<p>N/A</p>
<p>PROVIDE AGENCY RECOMMENDATION FOR MODIFICATION OR ELIMINATION</p>	<p>N/A</p>
<p>DESCRIBE THE ESTIMATED COST SAVINGS OR OTHER BENEFIT ASSOCIATED WITH RECOMMENDED CHANGE</p>	<p>N/A</p>

SUPPLEMENTAL SCHEDULES

BUDGET STRUCTURE

AGENCY GOALS

- Goal 1 To assist unrepresented injured employees in the workers' compensation system.
- Goal 2 To educate injured employees regarding their rights and responsibilities in the workers' compensation system and refer them to local, state, and federal programs.
- Goal 3 To advocate on behalf of unrepresented injured employees as a class.

OBJECTIVES AND STRATEGIES

- 1.1 To provide assistance to all unrepresented injured employees requesting assistance.
 - 1.1.1 Assist and prepare unrepresented injured employees in Texas Department of Insurance's – Division of Workers' Compensation's (DWC) administrative dispute resolution process.
- 2.1 To provide information, conduct outreach presentations and refer injured employees to local, state, and federal programs.
 - 2.1.1 Provide injured employees with information about the workers' compensation system and refer them to programs offering social services.
- 3.1 To advocate on behalf of injured employees as a class.
 - 3.1.1 Advocate on behalf of injured employees as a class in judicial, legislative, rulemaking, and administrative processes.

BUDGET STRUCTURE

PERFORMANCE MEASURES

1.1 oc 1	Percentage of disputed issues resolved prior to an ADRP
1.1 oc 2	Percentage of proceedings where an ombudsman assisted
1.1 oc 3	Percentage of issues where injured employee prevailed w/ ombudsman
1.1 oc 4	Percentage of appeals where injured employee prevailed w/ ombudsman
1.1.1 op 1	Number of injured employees prepared for BRC by an ombudsman
1.1.1 op 2	Number of BRCs with ombudsman assistance
1.1.1 op 3	Number of injured employees prepared for a CCH by an ombudsman
1.1.1 op 4	Number of CCHs with ombudsman assistance
1.1.1 op 5	Number of injured employees prepared for an appeal by an ombudsman
1.1.1 ef 1	Average number of days to resolve an issue prior to entering the ADRP system
1.1.1 ex 1	Average dollar amount saved per injured employee with an ombudsman
1.1.1 ex 2	Number of disputed issues resolved prior to entering the ADRS
1.1.1 ex 3	Number of preparation appointments held prior to a BRC by an ombudsman
1.1.1 ex 4	Number of preparation appointments held prior to a CCH by an ombudsman
1.1.1 ex 5	Number of preparation appointments held for an appeal by an Ombudsman
2.1.1 op 1	Number of telephone calls or electronic communications (emails)
2.1.1 op 2	Number of in-person visits (walk-ins) at local field offices
2.1.1 op 3	Number of public outreach presentations performed
2.1.1 op 4	Number of referrals made to social service entities
2.1.1 ef 1	Average Number of Educational Sessions Provided per Month

BUDGET STRUCTURE

PERFORMANCE MEASURES

- 3.1 oc 1 Percentage of adopted workers' compensation rules analyzed
- 3.1 oc 3 Percentage of adopted rules changed for the benefit of injured employees
- 3.1.1 op 2 Number of assists a Regional Staff Attorney provides to an ombudsman
- 3.1.1 op 3 Number of training sessions held for ombudsman by Regional Staff Attorneys
- 3.1.1 ex 1 Number of workers' compensation rules adopted

PERFORMANCE MEASURE DEFINITIONS

1.1 oc 1	Percentage of disputed issues that are resolved by the Office of Injured Employee Counsel prior to holding a Texas Department of Insurance administrative dispute resolution proceeding
Definition	The percentage of disputed issues that are received and resolved by the Office of Injured Employee Counsel before a Texas Department of Insurance administrative dispute resolution proceeding is held. Disputed issues: Disagreements pertaining to workers' compensation income or medical benefits (including but not limited to: compensability, average weekly wage, disability, impairment rating, maximum medical improvement, etc.). Resolved: A satisfactory agreement reached by both parties of a disputed issue that is facilitated by the Office of Injured Employee Counsel which does not proceed to the Texas Department of Insurance administrative dispute resolution system.
Data Limitations	Particular data, such as the issue code and date, can be extracted as long as the information is entered in the same location in each log. Data entry errors may affect the confidence level of the data reported. Disputed issues in abeyance-status are included in this measure as a resolution.
Data Source	A claims database maintained by the Texas Department of Insurance is used to enter and maintain disputed issue codes and action codes. Disputed issues are received by the Office of Injured Employee Counsel from an unrepresented injured employee. The disputed issues are entered into a log in the database and identified by a specific issue code. The action codes identify the action performed on the disputed issue, such as 1) dispute is identified, 2) dispute is resolved, and 3) dispute is in abeyance-status.
Methodology	Sum the number of disputed issues that are resolved prior to holding a Benefit Review Conference during the reporting period to obtain total (A). Sum the total number of disputed issues that were placed in abeyance-status during the reporting period to obtain total (B). Sum (A) and (B) to obtain total (C). Sum the number of disputed issues that were received during the reporting period to obtain total (D). Divide (C) by (D) to determine the percentage.
Purpose	The purpose of this measure is to monitor the Office of Injured Employee Counsel's early intervention effectiveness in resolving disputed issues for unrepresented injured employees prior to holding an administrative dispute resolution proceeding. Disputes resolved early in the process provide injured employees a prompt resolution to the dispute while saving the State resources by resolving disputes prior to entering into the Texas Department of Insurance's administrative dispute resolution system.
Calculation	Non-cumulative
New Measure	No
Desired Performance	Higher than target

1.1 oc 2 (Key) Percentage of Texas Department of Insurance administrative dispute resolution proceedings in which an ombudsman assisted an unrepresented injured employee

Definition	The percentage of Texas Department of Insurance administrative dispute resolution proceedings in which an ombudsman assisted an unrepresented injured employee. In this measure, a Texas Department of Insurance administrative dispute resolution proceeding is defined as a Benefit Review Conference and/or Contested Case Hearing.
Data Limitations	Data entry errors by Texas Department of Insurance staff may serve as a data limitation.
Data Source	An agency claim database maintained by the Texas Department of Insurance is used to capture the proceeding information. Information is entered by Texas Department of Insurance staff.
Methodology	Sum the total number of Benefit Review Conferences and Contested Case Hearings during the reporting period to capture total (A). Sum the total number of proceedings where an ombudsman assisted an unrepresented injured employee during the reporting period to capture total (B). Obtain the percentage that (B) represents (A) by dividing (B) by (A) to determine value (C). Submit (C) represented as a percentage.
Purpose	This measure addresses the agency's statutory duty to assist unrepresented injured employees through its Ombudsman Program in the Texas Department of Insurance's administrative dispute resolution system
Calculation	Non-cumulative
New Measure	No
Desired Performance	Higher than target

1.1 oc 3 (Key) Percentage of issues raised at Contested Case Hearings where the injured employee prevailed when assisted by an ombudsman

Definition	The percentage of issues raised at a Texas Department of Insurance Contested Case Hearing where an unrepresented injured employee prevailed when assisted by an ombudsman. One or more disputed issues may be raised at a Contested Case Hearing. An issue where the injured employee prevailed is determined by counting the number of issues where the Hearing Officer rules in favor of the injured employee.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the issue/proceeding outcome information. Information is entered by Texas Department of Insurance staff.

Methodology	Sum the total number of issues raised in Texas Department of Insurance Contested Case Hearings where the injured employee was assisted by an ombudsman during the reporting period to capture value (A). Sum the number of issues where an injured employee prevailed on an issue when assisted by an ombudsman during the reporting period to capture value (B). Obtain the percentage that (B) represents of (A) by dividing (B) by (A) to determine value (C). Submit (C) represented as a percentage.
Purpose	This measure addresses the agency's statutory duty to assist unrepresented injured employees, through its Ombudsman Program, in the Texas Department of Insurance's administrative dispute resolution system.
Calculation	Non-cumulative
New Measure	No
Desired Performance	Higher than target

1.1 oc 4 (Key) Percentage of issues raised on appeal where the injured employee prevailed when assisted by an ombudsman

Definition	The percentage of issues raised on appeal where the unrepresented injured employee prevailed when assisted by an ombudsman. One or more disputed issues may be raised on appeal. An issue where the injured employee prevailed is determined by counting the number of issues where the Appeals Panel rules in favor of the injured employee.
Data	
Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the issue/proceeding outcome information. Information is data entered by Texas Department of Insurance staff.
Methodology	Sum the total number of issues raised on appeal where the unrepresented injured employee was assisted by an ombudsman during the reporting period to capture value (A). Sum the number of issues where an injured employee prevailed on an appealed issue when assisted by an ombudsman during the reporting period to capture value (B). Obtain the percentage that (B) represents of (A) by dividing (B) into (A) to determine value (C). Submit (C) represented as a percentage.
Purpose	Purpose: This measure addresses the Office of Injured Employee Counsel's statutory duty to assist unrepresented injured employees, through its Ombudsman Program, in the Texas Department of Insurance's administrative dispute resolution system.
Calculation	Non-cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 op 1 Number of injured employees prepared for a Benefit Review Conference by an ombudsman

Definition	The total number of injured employees prepared for a Benefit Review Conference by an ombudsman during the reporting period. Ombudsmen meet with each injured employee prior to a Benefit Review Conference to ensure proper preparation for the proceeding.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the proceeding preparation information. Information is regularly entered by the Office of Injured Employee Counsel staff.
Methodology	Sum the total number of Benefit Review Conference preparations conducted during the reporting period to capture (A). Submit (A) as a whole number. This calculation excludes counting more than one preparation per dispute and sequence number. Preparation time spent by the ombudsman without the injured employee present (in person or by telephone) is not counted in this measure.
Purpose	This measure addresses the Office of Injured Employee Counsel’s Ombudsman Program’s statutory duty to prepare unrepresented injured employees for a Texas Department of Insurance administrative dispute resolution proceeding.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 op 2 (Key) Number of Benefit Review Conferences with Ombudsman assistance

Definition	The total number of Benefit Review Conferences that occurred during the report period where the unrepresented injured employee was assisted by an ombudsman.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the proceeding attendance information. Information is entered by Texas Department of Insurance staff.
Methodology	Sum the total number of Benefit Review Conferences during the reporting period where the injured employee was assisted by an ombudsman, including every Benefit Review Conference attended regardless of dispute or sequence number to capture (A). Submit (A) as a whole number.
Purpose	This measure addresses the agency’s statutory duty to assist unrepresented injured employees through its Ombudsman Program.

Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 op 3 Number of injured employees prepared for a Contested Case Hearing by an ombudsman

Definition The total number of injured employees prepared for a Contested Case Hearing by an Ombudsman during the reporting period. An ombudsman meets with an injured employee prior to a Contested Case Hearing to ensure proper preparation for the proceeding.

Data Limitations None

Data Source A claim database maintained by the Texas Department of Insurance is used to capture the proceeding preparation information. Information is entered by Office of Injured Employee Counsel staff.

Methodology Sum the total number of Contested Case Hearing preparations conducted during the reporting period to capture (A). Submit (A) as a whole number. The calculation excludes counting more than one preparation per dispute and sequence number to capture (A). Preparation time spent by the ombudsman without the injured employee present (in person or by telephone) is not counted in this measure.

Purpose This measure addresses the Office of Injured Employee Counsel’s Ombudsman Program’s statutory duty to prepare unrepresented injured employees for a Texas Department of Insurance administrative dispute resolution proceeding.

Calculation Cumulative

New Measure No

Desired Performance Higher than target

1.1.1 op 4 Number of Contested Case Hearings with ombudsman assistance
(Key)

Definition	The total number of documented ombudsman attendance at Contested Case Hearings with unrepresented injured employees during the reporting period.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the proceeding attendance information. Information is entered by Texas Department of Insurance staff.
Methodology	Sum the total number of Contested Case Hearings during the reporting period where the injured employee was assisted by an ombudsman, including every Contested Case Hearing attended regardless of dispute and sequence number to capture (A). Submit (A) as a whole number.
Purpose	This measure addresses the agency’s statutory duty to assist unrepresented injured employees through its Ombudsman Program.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 op 5 Number of injured employees prepared for an appeal by an ombudsman
(Key)

Definition	The total number of injured employees prepared by an ombudsman for an appeal proceeding before the Texas Department of Insurance during the reporting period. Ombudsmen meet prior to the deadline for filing an appeal with each unrepresented injured employee involved in the appellate process.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the proceeding preparation information. Information is entered by Office of Injured Employee Counsel staff.
Methodology	Sum the total number of appeal preparations conducted during the reporting period to capture (A). Submit (A) as a whole number. The calculation excludes counting more than one preparation per dispute and sequence number to capture (A). Preparation time spent by the ombudsman without the injured employee present (in person or by telephone) is not counted in this measure.
Purpose	This measure addresses the agency’s statutory duty to assist unrepresented injured employees through its Ombudsman Program.

Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 ef 1 Average number of days to resolve a disputed issue prior to entering the Texas Department of Insurance administrative dispute resolution system

Definition The average number of days to resolve a disputed issue prior to entering the Texas Department of Insurance administrative dispute resolution system. Disputed Issue: A disagreement pertaining to workers' compensation income or medical benefits (including but not limited to: compensability, average weekly wage, disability, impairment rating, maximum medical improvement, etc.). Resolved: A satisfactory agreement reached by both parties of a disputed issue that is facilitated by the Office of Injured Employee Counsel which does not proceed to the Texas Department of Insurance administrative dispute resolution system.

Data Limitations Particular data, such as the issue code and date, can be extracted as long as the information is entered in the same location in each log. Data entry errors may affect the confidence level of the data reported. Disputed issues in abeyance-status are not included in this measure as a resolution.

Data Source A claims database maintained by the Texas Department of Insurance is used to enter and maintain disputed issue codes and action codes. Disputed issues are received by the Office of Injured Employee Counsel from an unrepresented injured employee. The disputed issues are entered into a database log and identified by a specific issue code. The action codes identify the action performed on the disputed issue, such as 1) dispute is identified, 2) dispute is resolved, and 3) dispute is in abeyance-status.

Methodology Sum the total number of days from the date the disputed issue is identified to the date the disputed issue was updated in the system as resolved during the reporting period to obtain value (A). Sum the number of disputed issues that are resolved prior to entering into the dispute resolution system during the reporting period to obtain total (B). Divide (A) by (B) to determine the average number of days to resolve the issue.

Purpose The purpose of this measure is to monitor the Office of Injured Employee Counsel's early intervention effectiveness in resolving disputed issues for unrepresented injured employees prior to entering into an administrative dispute resolution proceeding. Disputes resolved early in the process provide injured employees a prompt resolution to the dispute while saving the State resources by resolving disputes prior to entering into the Texas Department of Insurance's administrative dispute resolution system.

Calculation Non-cumulative

New Measure No
 Desired Performance Lower than target

1.1.1 ex 1 Average dollar amount saved per injured employee when assisted by an ombudsman

Definition The average dollar amount saved for all injured employees resulting from ombudsman assistance. Attorneys charge fees for their services and submit fees to the Texas Department of Insurance for approval for payment. An average of these charges on attorney-assisted cases would presumably be charged to any represented injured employee. The Office of Injured Employee Counsel provides ombudsman assistance free of charge. Therefore, injured employees assisted by an ombudsman do not incur potential attorneys' fees, which could then be subtracted from their indemnity benefits.

Data Limitations This methodology is actually calculating the average indemnity benefits paid to attorneys. It is assumed this is the average cost saved by injured employees accepting ombudsman assistance.

Data Source An attorney fee system database maintained by the Texas Department of Insurance is used to document the attorneys' fees charged against an injured employee's indemnity benefits. Attorneys or Texas Department of Insurance staff enters data into the system.

Methodology Sum the fees approved by the Texas Department of Insurance to be paid to attorneys from indemnity benefits during the reporting period to capture value (A). Sum the number of claims with approved attorney fees during the report period to capture value (B). Divide value (B) by (A) to obtain value (C), which is the amount of attorney's fees an injured employee saved by electing ombudsman assistance. The calculation excludes cases where attorneys' fees were approved but no proceedings-related charges were filed.

Purpose This measure addresses an injured employee's cost savings by assessing the Office of Injured Employee Counsel's Ombudsman Program services in lieu of hiring an attorney.

Calculation Non-cumulative

New Measure No

Desired Performance Higher than target

1.1.1 ex 2 Number of disputed issues resolved prior to entering the Texas Department of Insurance administrative dispute resolution system

Definition	The total number of disputed issues resolved prior to entering the Texas Department of Insurance administrative dispute resolution system.
Data Limitations	Particular data, such as the issue code and date, can be extracted as long as the information is entered in the same location in each log. Data entry errors may affect the confidence level of the data reported. Disputed issues in abeyance-status are included in this measure as a resolution.
Data Source	A claims database maintained by the Texas Department of Insurance is used to enter and maintain disputed issue codes and status codes. Disputed issues are received by the Office of Injured Employee Counsel from an unrepresented injured employee. The disputed issues are entered into a log in the database and identified by a specific issue code.
Methodology	Sum the number of disputed issues that are resolved prior to entering into the dispute resolution system during the reporting period to obtain total (A). Submit (A) as a whole number.
Purpose	The purpose of this measure is to monitor the Office of Injured Employee Counsel's early intervention effectiveness in resolving disputed issues for unrepresented injured employees prior to entering into an administrative dispute resolution proceeding. Disputes resolved early in the process provide injured employees a prompt resolution to the dispute while saving the State resources by resolving disputes prior to entering into the Texas Department of Insurance's administrative dispute resolution system.
Calculation	Non-cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 ex 3 (Key) Percentage of disputed issues that are resolved by the Office of Injured Employee Counsel prior to holding a Texas Department of Insurance administrative dispute resolution proceeding

Definition	The total number of preparation appointments held by an ombudsman with an unrepresented injured employee to attempt to resolve the dispute and prepare for a Benefit Review Conference.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the preparation information. Information is regularly entered by the Office of Injured Employee Counsel staff.

Methodology	Sum the total number of preparation appointments conducted prior to a Benefit Review Conference during the reporting period to capture (A). Submit (A) as a whole number. Preparation time spent by the ombudsman without the injured employee present (in person or by telephone) is not counted in this measure.
Purpose	This measure addresses the Office of Injured Employee Counsel’s Ombudsman Program’s statutory duty to prepare unrepresented injured employees for a Texas Department of Insurance administrative dispute resolution proceeding.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 ex 4 (Key) Number of preparation appointments held prior to a Contested Case Hearing by an ombudsman

Definition	The total number of preparation appointments held by an ombudsman with an unrepresented injured employee to prepare for a Contested Case Hearing during the reporting period. An ombudsman meets with an injured employee prior to a Contested Case Hearing to ensure proper preparation for the proceeding.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the proceeding preparation information. Information is entered by Office of Injured Employee Counsel staff.
Methodology	Sum the total number of Contested Case Hearing preparation appointments conducted during the reporting period to capture (A). Submit (A) as a whole number. Preparation time spent by the ombudsman without the injured employee present (in person or by telephone) is not counted in this measure.
Purpose	This measure addresses the Office of Injured Employee Counsel’s Ombudsman Program’s statutory duty to prepare unrepresented injured employees for a Texas Department of Insurance administrative dispute resolution proceeding.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

1.1.1 ex 5 Number of preparation appointments held for an appeal by an Ombudsman (Key)

Definition	The total number of preparation appointments conducted prior to the appeal proceeding before the Texas Department of Insurance during the reporting period. Ombudsmen meet prior to the deadline for filing an appeal with each unrepresented injured employee involved in the appellate process.
Data Limitations	None
Data Source	A claim database maintained by the Texas Department of Insurance is used to capture the proceeding preparation information. Information is entered by Office of Injured Employee Counsel staff.
Methodology	Sum the total number of appeal preparations conducted during the reporting period to capture (A). Submit (A) as a whole number. Preparation time spent by the Ombudsman without the injured employee present (in person or by telephone) is not counted in this measure.
Purpose	This measure addresses the agency’s statutory duty to assist unrepresented injured employees through its Ombudsman Program.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

2.1.1 op 1 Number of telephone calls or electronic communications (emails) made or received by the Office of Injured Employee Counsel where injured employees were educated or assisted

Definition	The total number of telephone calls or emails made in which injured employees were educated or assisted as a result of a telephone call or emails made by or to the Office of Injured Employee Counsel. This includes telephone calls received on the Office of Injured Employee toll-free number, calls or emails received that are subsequently transferred to the Office of Injured Employee Counsel and calls or emails made by the Office of Injured Employee Counsel to parties on behalf of the injured employee. This measure includes telephone calls or emails made through the agency’s outreach efforts.
Data Limitations	While there is extensive training given regarding tracking such telephone calls and emails, data entry or human error may affect the confidence level of the data reported. An injured employee may be counted more than once in a reporting period.

Data Source	A claims database maintained by the Texas Department of Insurance is used to document all telephone contacts and emails with the Office of Injured Employee Counsel staff. Code values are assigned to the Office of Injured Employee Counsel to log calls and emails.
Methodology	Sum the total number of Office of Injured Employee Counsel contact codes in the Texas Department of Insurance’s claim that represents the total number of telephone calls and emails made or received during the reporting period to capture total (A). Submit (A) represented as a whole number.
Purpose	This measure addresses the Office of Injured Employee Counsel’s statutory duty to educate and assist injured employees.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

2.1.1 op 2 Number of in-person visits (walk-ins) by injured employees assisted at local field offices by the Office of Injured Employee Counsel

Definition	The total number of injured employees assisted in-person (walk-in) who visit the Office of Injured Employee Counsel during the reporting period.
Data Limitations	Data entry errors may affect the confidence level of the data reported.
Data Source	A Texas Department of Insurance claims database is used to document all assistance provided to a walk-in customer by the Office of Injured Employee Counsel Code values are assigned to the Office of Injured Employee Counsel staff to log “in-person” assistance.
Methodology	Sum the total number of contact codes in the Texas Department of Insurance’s claim database specific to the Office of Injured Employee Counsel that represents the number of in-person visits (walk-ins) by injured employees assisted by the Office of Injured Employee Counsel during the reporting period to capture total (A). Submit (A) represented as a whole number. One injured employee may be counted multiple times during the reporting period.
Purpose	This measure addresses the agency’s statutory duty to educate and assist injured employees.
Calculation	Cumulative

New Measure No

Desired Performance Higher than target

2.1.1 op 3 Number of public outreach presentations performed

Definition The total number of outreach presentations, workshops, seminars, speaking engagements, or other forums during the reporting period where Office of Injured Employee Counsel staff speaks to workers' compensation system stakeholders regarding the Office of Injured Employee Counsel, its role, and its services.

Data At least one member of the public must be present to be counted in this measure.

Limitations Data entry or human error may affect the confidence level of the data reported.

Data Source An agency database is maintained and utilized to track all outreach presentations for the agency. Agency staff enters information on a regular basis.

Methodology Sum the number of public outreach presentations conducted by the Office of Injured Employee staff where at least one member of the public is present during the reporting period to capture total (A). Submit (A) represented as a whole number.

Purpose This measure addresses the agency's statutory duty to inform the employees, employers, and other system stakeholders regarding the role of the Office of Injured Employee Counsel's services.

Calculation Cumulative

New Measure No

Desired Performance Higher than target

2.1.1 op 4 Number of referrals made to other social service entities.

Definition The number of referrals made by the Office of Injured Employee Counsel on behalf of the injured employee. Referrals are made to the Department of Assistive and Rehabilitative Services, the Texas Workforce Commission, the Texas Department of Insurance or other social or regulatory services, such as the Health and Human Services Commission or licensing boards, to assist injured employees with 1) finding employment, 2) training opportunities, 3) returning to work, 4) filing complaints with appropriate licensing boards or other regulatory agencies, 5) obtaining financial assistance, and 6) reporting alleged administrative violations.

Data In some cases the injured employee may choose not to contact the entity which is referred by the Office of Injured Employee Counsel.

Limitations

Data Source A claims database maintained by the Texas Department of Insurance is used to document all referrals made by Office of Injured Employee Counsel staff. Code values are used for particular types of referrals.

Methodology	Sum the total number of codes in the Texas Department of Insurance’s claim system specific to the Office of Injured Employee Counsel which represents the total number of referrals made during the reporting period to capture total (A). Submit (A) represented as a whole number.
Purpose	This measure addresses the agency’s statutory duty to refer injured employees to local, state, and federal financial assistance, rehabilitation, work placement programs, and other regulatory and social services.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

2.1.1 ef 1 (Key) Average Number Of Educational Sessions Provided To Or On Behalf Of Injured Employees Per Month

Definition	The average number of educational session provided to or on behalf of injured employees per month. An educational session includes in-person visits to field offices by injured employees; outreach presentations performed, including workshops, seminars, speaking engagements, or other forums; and telephone calls or emails made by or to the Office of Injured Employee Counsel on behalf of an injured employee. Each session may include education pertaining to an injured employee’s dispute, the agency’s role and services provided, and general workers’ compensation system information that may affect an injured employee.
Data Limitations	While there is extensive training given regarding tracking telephone calls, emails, and walk-ins, data entry errors may affect the confidence level of the data reported.
Data Source	A claims database maintained by the Texas Department of Insurance is used to document all telephone contacts, emails, and walk-ins. Code values are assigned to the Office of Injured Employee Counsel to log calls, emails, and walk-ins. An agency database is utilized to track all outreach presentations performed by the agency.
Methodology	Sum the total number of Office of Injured Employee Counsel contact codes in the Texas Department of Insurance’s claim database that represents the total number of telephone calls and emails, and the number of in-person visits (walk-ins) by injured employees, plus the number of outreach presentations performed by the Office of Injured Employee Counsel during the reporting period to capture total (A). Sum the number of months in the reporting period to capture total (B). Obtain the average number of educational sessions by dividing (A) by (B) to determine value (C). Submit (C) represented as a whole number.
Purpose	This measure addresses the agency’s statutory duties to educate and assist injured employees, and inform system stakeholders of services provided and the role of the Office of Injured Employee Counsel.

Calculation	Non-cumulative
New Measure	No
Desired Performance	Higher than target

3.1 oc 1 (Key) Percentage of adopted workers' compensation rules analyzed

Definition	The percentage of adopted workers' compensation rules, which were analyzed by the Office of Injured Employee Counsel. Analyzed rules include informal and formal rules, excluding repeals, by the Texas Department of Insurance, Division of Workers' Compensation, or Office of Injured Employee Counsel, which are analyzed to determine if they affect or have the potential to affect injured employees as a class.
Data Limitations	The rulemaking process may take months to complete. The rule analysis may have occurred in a previous month or year; however, the analysis is not counted for the purpose of this measure until the rule is finally adopted. A rule is considered one preamble submission by an agency and may contain several sections with the submission.
Data Source	An Office of Injured Employee Counsel database is maintained and utilized to track rule projects and processes for the agency. Office of Injured Employee Counsel staff enters information on a regular basis. Data is collected from various sources, including the Texas Register.
Methodology	Sum the total number of workers' compensation rules adopted by the Texas Department of Insurance, Division of Workers' Compensation, or the Office of Injured Employee Counsel during the reporting period to capture total (A). Sum the total number of rules analyzed by the Office of Injured Employee Counsel during the reporting period to capture total (B). Obtain the percentage that (B) represents of (A) by dividing (B) by (A) to determine value (C). Submit (C) represented as a percentage.
Purpose	This measure addresses the Office of Injured Employee Counsel's statutory duty to advocate on behalf of injured employees as a class in all workers' compensation matters.
Calculation	Non-cumulative
New Measure	No
Desired Performance	Higher than target

**3.1.1 op 2
(Key)**

Number of assists a Regional Staff Attorney provides to an ombudsman

Definition	The total number of assists a Regional Staff Attorney provides to an Office of Injured Employee Counsel (OIEC) staff member. The agency's Regional Staff Attorneys supervise the work of the Ombudsman Program and advise Ombudsmen in providing assistance to injured employees and preparing for informal and formal hearings. A Regional Staff Attorney assist is defined as a response to an OIEC employee's request for legal assistance. The legal assistance may involve legal consultation or analysis on the workers' compensation law or may consist of legal research and consultation with an OIEC employee regarding a specific injured employee's claim.
Data Limitations	None
Data Source	A claims database maintained by the Texas Department of Insurance is used to document all assists made by Regional Staff Attorneys to an OIEC staff member. Code values are used for these assists, and the attorneys enter the code value into that system for each assist.
Methodology	Sum the total number of assists provided by Regional Staff Attorneys to an OIEC staff member during the reporting period to capture total (A). Submit (A) represented as a whole number.
Purpose	This measure addresses the agency's statutory duty to assign Regional Staff Attorneys to supervise and advise ombudsmen through the Ombudsman Program.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

3.1.1 op 3

Number of advocacy training sessions held for ombudsman by Regional Staff Attorneys

Definition	The number of training sessions held for ombudsman by Regional Staff Attorneys. Training sessions may include practical skills training, ombudsman observations, new employee and refresher training, mock hearing training, presentations on legal issues at conferences, and at ad-hoc presentations.
Data Limitations	None
Data Source	An agency database is maintained and utilized to track all outreach presentations for the agency. Agency staff enters information on a regular basis.

Methodology	Sum the number of training sessions conducted by Regional Staff Attorneys for ombudsmen during the reporting period to capture total (A). Submit (A) represented as a whole number.
Purpose	This measure addresses the agency’s statutory duty for regional staff attorneys to advise ombudsmen in providing assistance to injured employees and preparing for hearings in TDI-DWC’s administrative dispute resolution system.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

3.1.1 ex 1 Number of workers’ compensation rules adopted

Definition	The total number of workers’ compensation informal and formal rules, excluding repeals, adopted by the Texas Department of Insurance, Division of Workers’ Compensation, or Office of Injured Employee Counsel during the reporting period.
Data	
Limitations	The rule adoption process may take months to complete; however, the rule is not counted for the purpose of this measure until it is finally adopted. A rule is considered one preamble submission by an agency and may contain several sections with the submission.
Data Source	An Office of Injured Employee Counsel database is maintained and utilized to track rule projects and processes for the agency. Office of Injured Employee Counsel staff enters information on a regular basis.
Methodology	Sum the total number of workers’ compensation rules adopted by the Texas Department of Insurance, Division of Workers’ Compensation, or Office of Injured Employee Counsel during the reporting period to capture total (A). Submit (A) represented as a whole number.
Purpose	This measure represents the total number of workers’ compensation rules adopted. Adopted rules may or may not affect injured employees as a class.
Calculation	Cumulative
New Measure	No
Desired Performance	Higher than target

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HISTORICALLY UNDERUTILIZED BUSINESS PLAN

Goal

OIEC and TDI's purchasing policies aim to achieve meaningful and measurable inclusion of Historically Underutilized Business (HUBs) in all aspects of procurement for the agency.

Objective

To include HUBs in all aspects of procurement, OIEC and TDI will make a good faith effort to meet or exceed the adjusted procurement program goals through the total value of contracts, purchases, and subcontracting opportunities awarded annually by the agency in each applicable procurement category.

Category	Target
Professional services contracts	5.0%
All other services contracts	15.0%
Commodities contracts	21.1%

Outcome measure

Percentage of Total Dollar Value of purchasing contracts and subcontracts awarded directly or indirectly to HUBs.

Strategy

Develop and implement a plan for increasing the use of HUBs directly or indirectly through purchasing contacts and subcontracts.

Output measures

- Number of HUB contractors and subcontractors responding to bid proposals
- Number of HUB contracts and subcontracts awarded
- Dollar value of HUB contracts and subcontracts
- Number of outreach initiatives
- Number of contracts evaluated for subcontracting opportunities
- Number of mentor-protégé partnerships sponsored by agency

HUB program efforts and accomplishments

OIEC and TDI's objective is to make sure all procurement practices promote the goal of equal access for minority, woman-owned, and disabled veteran-owned businesses in the state of Texas. For the fiscal year 2019, OIEC spent \$106,277 with HUB vendors, or 37.66% percent of eligible OIEC purchases.

Internal outreach initiatives

- Enhance training to purchasing staff on the importance of the HUB program, the latest HUB-related information, agency HUB statistics, and methods of improvement.
- Include HUB Subcontracting Plans (HSP) in all agency contracts over \$100,000 where subcontracting opportunities exist. Monitor contractor compliance with HSPs after contract award.
- Encourage HUB subcontracting in contracts that are less than \$100,000 when possible.
- Share HUB contact lists and vendor information among purchasing staff to increase awareness and opportunities.

- Include HUB team members in regular contract administration team meetings to increase information sharing opportunities.
- When feasible for informal procurements, procure items from a HUB if the HUB's bid is within 10% of the lowest bid.

External outreach initiatives

- Use resources of the Texas Association of African American Chambers of Commerce and the Texas Association of Mexican American Chambers of Commerce as outlined in the Memorandum of Cooperation and contract agreements.
- Educate potential contractors about how to locate certified HUB vendors who may be able to participate as subcontractors in TDI contracts.
- Prepare and distribute purchasing, contracting, and subcontracting information in a way that encourages participation by all businesses.
- Provide a list of HUBs using the National Institute of Governmental Purchasing (NIGP) class and item code to vendors to help them locate subcontractors to respond to solicitations.
- Help potential respondents with the HUB Subcontracting Plan (HSP) process by offering to review draft HSPs prior to final proposal submission.
- Continue participation in the State HUB Discussion Workgroup. The workgroup meets regularly to discuss and resolve issues to improve the State of Texas HUB Program.
- Promote vendor outreach, education, and recruitment by participating in economic opportunity forums sponsored by the Texas Comptroller of Public Accounts, the Texas Legislature, and other governmental, civic, and professional organizations across the state. During fiscal year 2019, OIEC and TDI participated in seven HUB forums and three Advocacy Group meetings. OIEC and TDI will be co-hosting a HUB forum with the Texas Department of Motor Vehicles in July 2020.

Mentor-protégé program

OIEC and TDI's vision is to expand our mentor-protégé sponsorship role through cooperation with large corporate supplier diversity programs. OIEC and TDI participates with agencies, minority chambers of commerce, and minority and woman trade and business organizations to maximize state resources and to increase the effectiveness of the mentor-protégé program.

OIEC and TDI does not have any current mentor-protégé relationships. The HUB team consistently promotes OIEC and TDI as a HUB resource and works to educate vendors about the benefits of becoming a certified HUB.

AGENCY WORKFORCE PLAN

I. OVERVIEW

OIEC Mission

To assist, educate, and advocate on behalf of the injured employees of Texas

OIEC Strategic Goals and Objectives

Goal 1 -- To assist injured employees in the workers' compensation system and protect their rights.

Objective 1.1 -- To provide assistance to all unrepresented injured employees requesting assistance each year.

Goal 2 -- To increase injured employee education regarding their rights and responsibilities and refer them to local, state, and federal programs.

Objective 2.1 To increase the knowledge of all injured employees and refer them to local, state, and federal programs each year.

Goal 3 -- To advocate on behalf of injured employees as a class.

Objective 3.1 -- 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 each year.

Core Business Functions

OIEC was established to assist and provide services to unrepresented injured employees when assistance is requested. OIEC's core business functions include:

- Assisting injured employees in the workers' compensation system by providing free ombudsman services in TDI-DWC's administrative dispute resolution system;
- Educating injured employees about their rights and responsibilities and improving their ability to effectively navigate through the workers' compensation system; and
- Advocating on behalf of injured employees as a class within the Texas workers' compensation system

OIEC also refers injured employees to the Texas Workforce Commission, TDI-DWC or other social or regulatory services.

Additionally, OIEC provides outreach presentations, workshops, seminars to workers' compensation system stakeholders regarding OIEC, its role, and its services.

Anticipated Changes to the Mission, Strategies, and Goals Over the Next Five Years

The 2018-19 budget structure was reviewed and recommendations for changes to the 2020-2021 budget structure were submitted and have been approved by the Legislative Budget Board and the Governor's Office of Budget, Planning, and Policy.

II. CURRENT WORKFORCE PROFILE (SUPPLY ANALYSIS)

Demographics information, including age, gender, and length of service

Three percent of the employees at OIEC are under the age of 30 and 41 percent of the agency's employees are 50 or older. The average age of an OIEC employee is 46 years. OIEC employees have an average of 9 years of state service.

Office of Injured Employee Counsel – Workforce Statistics

by Equal Employment Opportunity (EEO) Category

Category	Black	Hispanic	Anglo	Male	Female
Officials, Admin. (A)	17%	58%	25%	8%	92%
Professional (P)	17%	64%	18%	19%	81%
Technical (T)	0%	0%	100%	0%	100%
Para-Professional (Q)	18%	66%	16%	0%	100%
All Categories	17%	62%	20%	13%	87%

Employee Turnover. OIEC's turnover rate in FY 2018 was 33.09 percent and in FY 2019 it was 34.75 percent. Reasons for the departures cited on exit interviews include low salary, high workloads and retirements. OIEC's most vulnerable program area is the Ombudsman Program because all ombudsman must obtain their workers' compensation adjuster license in addition to completing 21 weeks internal training program before they can be released to handle cases independently.

Projected Employee Turnover Rate over the Next Five Years

Approximately 4 percent of all agency staff are currently eligible to retire. The percentage increases to 23 percent through August 31, 2025. None of the OIEC management staff is currently eligible to retire. The percentage increases to 8 percent through August 31, 2025.

Workforce Skills Critical to the Mission and Goals of the Agency

OIEC by statute requires staff who have knowledge of Texas workers' compensation laws and rules and are able to clearly and effectively communicate that knowledge on behalf of and to

system participants. OIEC also needs staff to possess an understanding of medical documentation, articulate business writing skills and time management skills.

III. FUTURE WORKFORCE PROFILE (DEMAND ANALYSIS)

Expected Workforce Changes Driven by Factors such as Changing Missions, Goals, Strategies, Technology, Work, Workloads, and Work Processes

OIEC does not foresee the elimination of any of its responsibilities over the next five-year period nor a change in its mission and goals. In fact on the contrary OIEC has seen a steady increase in the number of disputes it participates in on behalf of injured employees.

Future Workforce Skills Needed

OIEC will also need staff who possess all the workforce skills listed above and in addition are able to embrace and utilize new technology.

Anticipated Increase or Decrease in the Number of Employees Needed To Do the Work

OIEC does not anticipate a change in the number of employees needed to carry out its mission.

Critical Functions that Must Be Performed to Achieve the Strategic Plan

- Customer service functions;
- Ombudsman functions;
- Legal research and analysis functions;
- Training and professional development;
- Medical research and analysis functions;
- Workers' compensation research and analysis functions;
- Audit, quality assurance, and administrative functions.

IV. GAP ANALYSIS

Anticipated Surplus or Shortage in Staffing Levels

There is currently no surplus or shortage in staffing levels.

Anticipated Surplus or Shortage of Skills

As experienced staff retires, the agency anticipates a greater need for training, mentoring, and transferring workers' compensation knowledge to less-experienced employees in all program areas

V. STRATEGY DEVELOPMENT

Specific Goals to Address Workforce Competence Gaps or Surpluses

Recruitment and Retention. Recruiting and retaining the depth of knowledge and experience necessary to navigate the complexities of the workers' compensation system is a key factor in fulfilling OIEC's mission of assisting, educating, and advocating for Texans who are injured on the job.

OIEC utilizes various tools to retain its staff such as alternative work schedules, telecommuting and continuing professional development opportunities.

Succession Planning. OIEC is working internally to develop a comprehensive succession plan. The scope of OIEC's succession planning includes identifying and developing key talent within the agency as well as addressing the unique geographical needs of the agency.

REPORT ON CUSTOMER SERVICE

OIEC submitted the agency's Report on Customer Services separately to the Governor's Office and Legislative Budget Board as required under Texas Government Code, Chapter 2114. The report has been posted on OIEC's website at: www.oiec.texas.gov.

Agency Strategic Plan | Fiscal Years 2021-2025

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