



STATE OFFICE OF RISK MANAGEMENT
WILLIAM P. CLEMENTS, JR. BUILDING, 6TH FLOOR
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May 31, 2011

Mr. Norman Darwin
Public Counsel
Office of the Injured Employee Counsel
7551 Metro Center Dr.
Austin, TX 78744-1609

Re: Risk Management Program Review

Agency #448

Dear Mr. Darwin:

A Risk Management Program Review (RMPR) at the Office of the Injured Employee Counsel (OIEC) was conducted on April 7, 2011. The visit was conducted under the authority of Texas Labor Code, Title V, Subtitle A., Chapter 412, and was designed to assist state agencies to develop and implement comprehensive risk management programs that meet Risk Management for Texas State Agencies (RMTSA) guidelines.

Risk Manager, Erick Dunaway and Additional Risk Manager, Catherine Walterman accompanied SORM during the RMPR.

The following observations were viewed and discussed during the visit:

- Number of Workers' Compensation Claims submitted by the OIEC:
 - FY07 – 3 (2 were accepted)
 - FY08 – 5 (2 were accepted)
 - FY09 – 9 (9 were accepted)
 - FY10 – 6 (5 were accepted)
 - FY11 (in progress) – 4 (2 were accepted)
- The total medical and income benefits paid to date to the OIEC claimants who were injured in the following fiscal years are listed below:
 - FY07 – \$ 13,067
 - FY08 – \$ 6,234
 - FY09 – \$ 36,076
 - FY10 – \$ 3,763
 - FY11 (in progress) – \$ 3,603
- The leading causes of workers' compensation claims at the OIEC during FY07 – FY11 were:
 1. Slip/Trip/Fall (11)
 2. Strain/Injury By (10)
 3. Caught In/Between (2)
 4. Burns/Scalds – Heat Exposure (2)

- The leading workers' compensation injuries at the OIEC during FY07 – FY11 were:
 1. Contusions (10)
 2. Strains (5)
 3. Inflammation (4)
 4. No Physical Injury (2)
- SORM 200 Data was reviewed for accuracy and completeness. No errors or omissions were found.

Noteworthy observations made during this review include the following:

- Security is a highly visible priority at the agency. All visitors, contractors and other state employees are required to sign in and out and require an escort.
- The agency actively conducts regular biannual fire drills along with TDI and emergency evacuation signs are posted throughout the building.
- First aid kits are maintained and available for use at the OIEC.
- A walk-through revealed that the OIEC office suite is clean, organized, and well maintained.

During the visit, we discussed the previously submitted recommendations generated as a result of the On-Site Consultation of February 4, 2010. The following recommendation is now *closed*:

10-02-01 Fire Extinguisher Inspections – All fire extinguishers are inspected monthly and the back of the tags are signed and dated.

Recommendations to maintain the efficiency of your Risk Management Program include the following:

11-04-01 Risk Evaluation and Planning System (REPS)

SORM recommends that the OIEC complete all unanswered questions and make appropriate corrections to the Survey and Frequency/Severity and Mitigating sections of REPS within 90 days. SORM further recommends that SOAH perpetually maintain the information on the system and use the Risk Management Plan and other risk management reports as general guidelines for administering the agency's risk management program.

Reference: RMTSA guidelines, Volume I, Section One, Chapter 3.

11-04-02 Business Continuity Plan (BCP) for TDI, DWC and OIEC

SORM recommends that The Office of the Injured Employee Counsel, Department of Workers Compensation (DWC) and the Texas Department of Insurance (TDI) risk managers and BCP team meet in FY12 to discuss the BCP document provided for the RMPR. The Office of the Injured Employee Counsel is administratively attached to the TDI and shares a location with the DWC. Further analysis of this document is required to determine if all parties needs have been addressed.

Reference: <http://www.fema.gov/about/org/ncp/coop/index.shtm> FEMA: Continuity of Operations Guidelines.

11-04-03 Development of a Risk Management Program for the OIEC

Each state agency covered by Texas Labor Code Chapter 412 shall develop and implement a Risk Management Program to protect their employees, the general public, and the state's physical and financial assets by reducing and controlling risk. The OIEC is in the process of developing an independent risk management program as required by statute. SORM recommends that the risk manager at the OIEC work with the TDI and DWC risk managers to continue developing their own independent risk management and return to work programs. In sections of the program where DWC or TDI assist in managing your agency's risks, MOU's should be written outlining each entity's responsibilities, mechanisms for providing feedback regarding inspections, fire drills, workers compensation claims, accident investigations, etc. Regular meetings between the OIEC, DWC and TDI risk managers should be established throughout the year to discuss common areas of the risk management program and to receive updates on their status.

Reference: Texas Administrative Code, Title 28, Part 4, Chapter 252, Subchapter B; Rule 252.201 State Risk Management Guidelines
RMTSA guidelines, Volume I, Section Three, Chapter 1.

We request that the appropriate staff review this document, specify the actions that Office of the Employee Injured Counsel plans to take, and project the estimated date of completion for the recommendation. Please provide your response to me by **July 7, 2011** via US mail or email to michelle.tooley@sorm.state.tx.us.

I would like to extend my sincerest appreciation to Erick Dunaway, Catherine Waltman, and the rest of the OIEC staff for their assistance and cooperation during my visit.

If you have any questions or concerns regarding the information detailed in this report, please call me at 512-936-2942.

Sincerely,



Michelle Tooley
Risk Management Specialist
Risk Assessment and Loss Prevention
State Office of Risk Management

cc: Mr. Erick Dunaway, Risk Manager, Office of Injured Employees Counsel