



## OFFICE OF INJURED EMPLOYEE COUNSEL

NORMAN DARWIN, PUBLIC COUNSEL

October 21, 2011

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

Re: On-Site Consultation conducted on September 22, 2011

Dear Ms. Tooley:

We appreciated the opportunity to meet with you and to discuss the TDI/OIEC Disaster Recovery Plan/Business Continuity Plan. Attached is the Office of Injured Employee Counsel's (OIEC) and the Texas Department of Insurance's (TDI) action plan to address SORM's questions and recommendations:

**SORM Item Regarding Backup Generator** – To determine if there is a generator at the Cameron Road location. SORM suggests that if there is not a generator that a rental generator company be contacted to set up a contract to rent a generator upon activation of the DRP/BCP.

Thank you for your feedback regarding our September 22nd meeting.

### **TDI Action Plan:**

Regarding a generator at the Cameron Road Training Facility (CRTF), TDI does not maintain a generator at that location. However, the Comptroller of Public Accounts (CPA) has established contracts for agency emergency needs. TDI will conduct further research to determine if the contract to order generators in an emergency will meet the TDI requirements and are viable solutions for CRTF. The CPA term contracts can be viewed at:

<http://www.window.state.tx.us/procurement/contracts/gci/285-M1.php>

**12-09-01 Risk Management Manual** - The April RMPR at the OIEC highlighted a number of services that TDI provides to the OIEC. SORM recommends TDI and OIEC continue to meet quarterly to discuss these services provided, review the results of the services and determine if any follow up action is required by the OIEC. SORM further recommends that the OIEC add additional detail about these services provided by TDI to their manual, including an outline of the process of what TDI is providing, a list of what the OIEC receives from TDI as a result of the service, and provide feedback on what the OIEC does with the service data and how they manage the results of that service.

### **OIEC Action Plan:**

OIEC will establish meetings with the Diane Roberts, TDI's Risk Manager, on a Quarterly basis. These meetings will be used to review issues dealing with workers' compensation claims and accident investigations to ensure that any commonalities are identified and addressed in the appropriate manner. This will help provide both OIEC's and TDI's staff with a safe work environment. Safety inspections, fire drills, and security issues will be analyzed during these meetings to ensure employees, the general public, and the State's physical and financial assets are being properly protected.



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OIEC will update and revise its Risk Management Program Manual to ensure that all requirements in the Texas Labor Code Chapter 412 are being met. OIEC is administratively attached to TDI and will include an outline of the risk management services provided by TDI. OIEC will incorporate TDI's policies and procedures where applicable into its program to ensure that all aspects of risk management are covered.

### **Estimated Date of Completion:**

Joint Risk Manager Meetings between OIEC and TDI were established at the beginning of FY 2012. The first quarterly meeting was held on Friday, September 2, 2011. OIEC is currently in the process of developing and updating its existing Risk Management Program Manual. OIEC will continue work over the next several months to complete this recommendation in Spring of 2012.

**12-09-02 Future Onsite Consultations and Risk Management Program Reviews** – Due to the OIEC being administratively attached to the TDI, SORM recommends that a representative from TDI safety and risk management team and the workers' compensation department be available for future OSCs and RMPRs so that details about additional services can be answered.

### **OIEC Action Plan:**

OIEC will contact TDI's Risk Manager and Claims Coordinator and request that they be available to attend future On-Site Consultations and Risk Management Program Reviews.

### **Estimated Date of Completion:**

OIEC has contacted TDI's Risk Manager and Claims Coordinator and both have agreed to attend future OIEC On-Site Consultations and Risk Management Program Reviews.

Thank you for providing recommendations to improve OIEC's Risk Management Program. Ensuring employers' safety is paramount for OIEC, and your business process recommendations are helpful in furthering this goal. If you have any questions or need additional information please don't hesitate to contact me at 804-4170.

Sincerely,

A handwritten signature in blue ink that reads "Brian White".

Brian White  
Deputy Public Counsel

cc: Ms. Diane Roberts, Risk Manager / Safety Officer, Texas Department of Insurance  
Ms. Patricia Ewing, APG Director, Texas Department of Insurance  
Ms. Mary Diane Hausman, Disaster Recovery Coordinator, Texas Department of Insurance