



Legislative Appropriations Request For Fiscal Years 2016 and 2017

**Submitted to the
Governor's Office of Budget, Planning and Policy
and the Legislative Budget Board**

By

The Office of Injured Employee Counsel

Signed by: _____


Norman Darwin, Public Counsel

August 21, 2014



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 of Budget, Planning and Policy (GOBPP) 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 GOBPP will be notified in writing in accordance with Article IX, Section 7.01 (2014-15 GAA).

Public Counsel

A handwritten signature in cursive script, appearing to read "Norman Darwin".

Signature

Norman Darwin
Printed Name

Public Counsel
Title

August 21, 2014
Date

**OFFICE OF INJURED EMPLOYEE COUNSEL
REQUEST FOR LEGISLATIVE APPROPRIATIONS
FISCAL YEARS 2016 AND 2017**

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BACKGROUND:

The Office of Injured Employee Counsel (OIEC) was established as a State agency on March 1, 2006 as a result of the adoption of House Bill (HB) 7, 79th Texas Legislature, Regular Session, 2005 as a means to reform the Texas Workers' Compensation System.

OIEC's mission is to assist, educate, and advocate on behalf of the injured employees of Texas. OIEC provides Ombudsman services at no charge to injured employees to assist them in the Texas Department of Insurance (TDI), Division of Workers' Compensation (DWC)'s administrative dispute resolution system; educates injured employees about their rights and responsibilities and the role of OIEC; and advocates on behalf of injured employees as a class. The base request for OIEC for the FY 2016-2017 biennium totals \$16,890,478 and a staffing level of 175 positions to accomplish this mission.

ORGANIZATION:

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 (Texas Labor Code § 404.051). Norman Darwin has served as OIEC's Public Counsel since he was first appointed by Governor Rick Perry when the agency was created. Mr. Darwin will retire on August 31, 2014. The agency anticipates that the Governor will appoint his successor soon for a term to expire February 1, 2015.

OIEC has five program areas or divisions:

- Ombudsman Program;
- Customer Service Program;
- Legal Services;
- Administration and Operations (includes Operations and Communications and Development); and
- Internal Audit.

OIEC's central office is located at 7551 Metro Center Drive in Austin, Texas. Approximately 83 percent of staff is located in 20 field offices across the State and approximately 17 percent of staff work in the Austin central office.

SIGNIFICANT EXTERNALITIES:

Increasing Population: Texas continues to exceed the population growth among all states. The population of Texas jumped by more than 1.3 million people in the three years between the 2010 census and July of 2013, making Texas by far the fastest growing state in terms of population growth in the past three years according to figures released by the U.S. Census Bureau. The estimated population of Texas in 2014 is over 27 million.

Growing Labor Force: According to the Texas Workforce Commission, the Texas labor force continues to increase. All major industries in Texas added jobs over the past year. The mining and logging industry continues to be the fastest growing industry in Texas due to the recent oil boom. Although, many other industries had a higher number of jobs added over the past year, the mining and logging industry experienced an overall increase of 7.5 percent, well above that of other industries. The construction industry also continues to experience growth.

Changing Demographics: The estimated population percentages of each ethnic group in Texas are currently 42.8 percent white, 39.6 percent Hispanic, 11.5 percent black and 6.2 percent of other ethnic origin. The Hispanic population is expected to increase and become the largest ethnic group in Texas within the next few years.

Increasing Need for OIEC Services: Although the number of occupational injuries has remained fairly stable, the need for OIEC's services has increased over the past

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few years. The percentage of proceedings in which an Ombudsman assisted an unrepresented injured employee was 38 percent in FY 2009 and peaked at 50 percent in FY 2012. Currently, the percentage of proceedings in which an Ombudsman assists an unrepresented injured employee is approximately 46 percent.

The current economy coupled with OIEC's education efforts are likely reasons for the increased demand for Ombudsman assistance. Injured employees may choose the free services offered by the Ombudsman Program rather than paying a private attorney up to 25 percent of their indemnity benefits. OIEC's public outreach efforts are another reason for the increase in requests for Ombudsmen – more customers are aware of OIEC's services.

SIGNIFICANT CHANGES IN POLICY AND PROVISION OF SERVICE:

Service Delivery: One way OIEC is managing the workload is by filling vacancies as soon as possible. In some instances, a position is posted as soon as the resignation is received, prior to the actual departure. OIEC also has developed a process for Ombudsmen in smaller field offices to assist Ombudsmen in larger field offices with their case development activities, such as requesting medical records and contacting the insurance adjuster. However, OIEC's policy requires a single Ombudsman to assist the injured employee throughout the life of the workers' compensation claim; therefore, communication with the injured employee is conducted by a single Ombudsman.

Service Accessibility: OIEC utilizes Language Line Services which provides non-English speaking injured employees with a quicker response time in answering their questions telephonically, in-person, and at proceedings.

OIEC is committed to continue efforts to improve and expand its offerings to non-English speakers in the State. In addition to OIEC's efforts to reduce language barriers, the agency is also taking steps to ensure access to its website, including documents that are accessible to individuals with impaired vision and other disabilities.

Technological Changes: Section 404.111(a) of the Texas Labor Code provides that when assisting an injured employee, OIEC is entitled to the same access to information related to the employee's injury and workers' compensation claim as the employee or any other party to the claim. OIEC gains access to claim information in the system by receiving permission directly from the injured employees to access their confidential information.

OIEC and TDI-DWC entered into a Memorandum of Understanding (MOU) to facilitate the implementation of these Labor Code provisions. All OIEC employees are required to sign an acknowledgement that they understand and will follow these processes.

The processes involved in implementing and conforming to the MOU have led to several obstacles that have caused inefficiencies and complications. Access to a database OIEC used for management, workload, and system performance analysis has been denied. Previously, OIEC staff had the ability to extract data without having to rely on TDI-DWC to provide the information, which was very efficient – staff could extract the information in a matter of minutes. Due to access changes in access of the information; however, much is now required to be requested from TDI-DWC on an ad-hoc basis and may take weeks to receive. TDI-DWC has replaced the real-time access to the database with an Excel spreadsheet report that is received on a regular basis. OIEC now relies on the Excel spreadsheet report to extract the data for management and workload analysis.

The current claims systems were also not designed to specifically meet OIEC's needs, (i.e., track OIEC processes and activities); therefore, OIEC has been working with TDI to improve the system in the interim and create other tools that will enhance OIEC's ability to serve its customers more efficiently and effectively. The changes may eventually allow OIEC to calendar preparation appointments, activities, and deadlines to aid the Ombudsmen and Customer Service Representatives in providing assistance to injured employee.

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Although TDI provides equipment for internet and intranet services for OIEC, the websites are maintained by OIEC staff. OIEC's intranet website provides a resource for OIEC staff to learn about other program areas within the agency; updates on new or revised policies and procedures; quick links to the agency's business plan, training, and agency directives; and other useful information that allows staff to ensure injured employee rights are protected.

Possible Legislative Changes: Currently, Texas is the only state that does not require some type of mandatory workers' compensation coverage for its injured employees. Oklahoma recently passed legislative which allows some employers to opt-out of the workers' compensation system as long as they provide another type of equivalent coverage for their employees. Approximately 67 percent of Texas employers and 81 percent of Texas employees are covered by workers' compensation insurance. However, according to the Texas Department of Insurance during testimony before the House Business and Industry Committee in April 2014 regarding the voluntary nature of the Texas workers' compensation system, approximately 500,000 workers in Texas are not covered by any type of workers' compensation plan. If legislation mandates Texas employers to cover their employees with workers' compensation insurance, it may have a significant impact on OIEC's workload and its mission to assist, educate and advocate on behalf of the injured employees in Texas.

Expert Witness Project: Historically, the workers' compensation system was designed to prove an injured employee's case without expert evidence in most situations. If an injured employee could convince the fact-finder that the injury was caused by the work without an expert's opinion, the injured employee could prevail without the expense of providing expert evidence. Recently, an additional burden was placed on injured employees to produce expert testimony in cases where it traditionally has not been required. Additionally, the Labor Code requires evidence-based medicine (i.e., medicine based upon scientific studies) for propositions, such as one can injure his back when falling down, for which there are no relevant scientific studies. OIEC believes that the requirement of evidence-based medicine should be limited only to those cases where the nature of the injury is truly beyond the realm of common experience, such as the work causing cancer. While there are certainly other factors at play – factors over which OIEC has no control – OIEC has stepped up its efforts to reverse this trend by assisting injured employees in meeting the evidentiary standards necessary to prove entitlement to income and medical benefits. In order to do this, OIEC works with health care providers to provide guidance in how to write causation opinions that meet the heightened evidence standards. OIEC also uses agency funds to retain health care providers to serve as expert witnesses in certain cases.

FUNDING MECHANISM:

OIEC has a unique structure and mechanism for funding. OIEC is administratively attached to and is funded from the same operating account as TDI. The Texas Legislature appropriates funds from General Revenue (GR) Dedicated Account 36 to TDI, OIEC, and other agencies that participate in or contribute to the regulation of insurance, prevention of insurance loss, and administration of workers' compensation. Both the Texas Insurance Code and Texas Labor Code require that the maintenance taxes be set with the intention of collecting the revenue needed to fund authorized expenditures from Fund 36. OIEC is not funded for consumables, facilities, or other items due to its administrative attachment. As a result, approximately 94 percent of OIEC's budget is dedicated to salaries. OIEC's funding mechanism is self-leveling and has no fiscal impact on General Revenue.

MISCELLANEOUS FUNDING ITEMS/RIDERS:

OIEC requests approval of an appropriation for unexpended balances as of August 31, 2016, not to exceed five percent for any item of appropriation, to be appropriated to OIEC for the same purposes for the fiscal year ending August 31, 2017. Due to OIEC's size and structure, the agency is adversely affected when unspent monies are not transferable to the second year of the biennium. By granting unexpended balance authority, the agency is better able to strategically plan and implement projects that improve injured employee services based on a 24-month planning and budget cycle.

AGENCY METHODOLOGY AND IMPACT OF TEN PERCENT BUDGET REDUCTION:

A ten percent reduction would negatively impact OIEC's FY 2016-2017 base appropriations request by a total of \$1,639,908. Five-percent incremental reductions equate to \$819,954 each year. Because approximately 94 percent of OIEC's budget is dedicated to salaries, a reduction-in-force or furlough of employees would be

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inevitable with any budget reduction. The agency provides the following three budget reduction options in priority order as required in the LAR instructions.

- Option 1: As an alternative to a reduction-in-force, Option 1 involves unpaid leave for 27.9 days over a 12-month period for all OIEC employees, which is equivalent to approximately 2.3 days per month. This effectively reduces each employee's salary by approximately 10.7 percent. Performance measures will also be negatively impacted.
- Option 2: Option 2 would result in a decrease in the number of hours worked, from full-time to part-time, for 32 FTEs (18 percent of agency staff). Employees affected include 6 Attorney IIIs, 1 Attorney IV, 14 Customer Service Representatives, 1 Director V, 1 Director IV, 1 Government Relations Specialist II, 1 Program Specialist VII, 1 Planner, 2 Staff Services Officers, 1 Information Specialist IV, 1 Information Specialist V, 1 Administrative Assistant IV, and 1 Auditor IV). A 50 percent reduction in legal and administrative services would severely limit the agency's ability to: 1) advise Ombudsmen in providing assistance to injured employees in preparation for administrative proceedings, and conduct Practical Skills Training to help Ombudsmen refine their skills in assisting injured employees in proceedings before TDI-DWC, 2) analyze and provide comments on rules proposed by TDI-DWC and suggest legislative recommendations that will protect the interests of injured employees, 3) provide technical and administrative support for the agency including functions such as: auditing, strategic planning; budget planning and management; records retention; rulemaking; performance measure monitoring and reporting; staff services; and preparation of reports required by statute, and 4) coordinate outreach presentations, workshops, information booths, seminars, and statewide speaking engagements; and maintain OIEC's intranet, internet, and social media websites, such as Facebook, Twitter, and YouTube accounts. Administrative staff that will be affected work in conjunction with TDI employees who provide services such as human resources, budget, accounting, facilities, and information technology services. Therefore, OIEC may need additional administrative support from TDI to fulfill its mission critical functions and reporting requirements. Performance measures would also be adversely impacted under this scenario.
- Option 3: Option 3 would result in a reduction-in-force of approximately 26.5 Customer Service Representatives (CSRs), which is approximately 54 percent of the Customer Service Program. 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, CSRs 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 result in the delay dispute resolution and injured employee benefits.

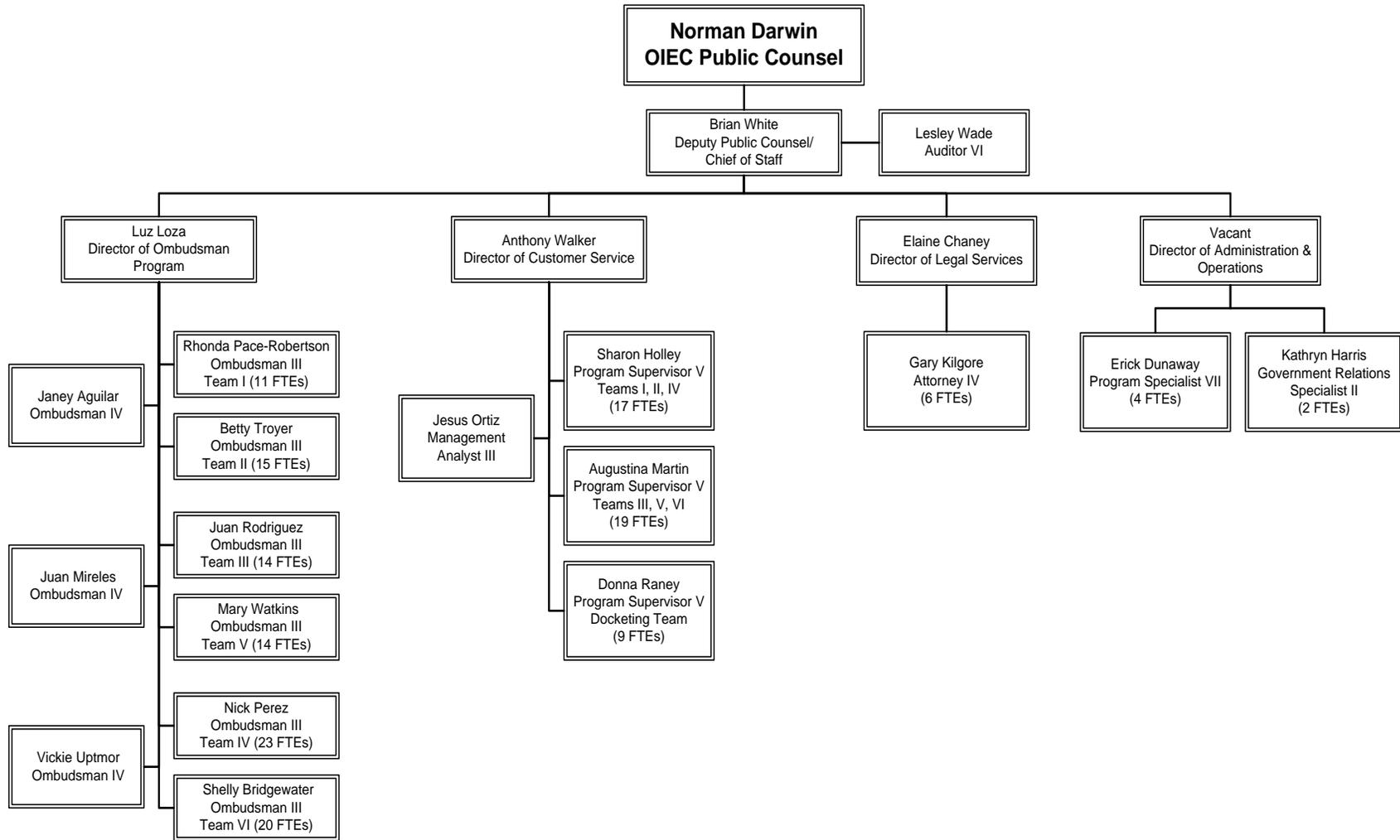
The key performance measure regarding educational sessions provided would likely decrease from a projected average of 20,000 educational sessions provided to or on behalf of injured employees per month to approximately 9,000 per month. Educational sessions are defined as telephone calls, on-site visits at field offices, and outreach presentations conducted on behalf of injured employees.

Should the proposed budget cuts come to fruition, OIEC will have operational difficulties in the 20 field across the State, and the injured employees of Texas would be adversely affected. Moreover, the agency is likely to have immense challenges in fulfilling its mission to assist, educate, and advocate on behalf of hard working Texans who get injured on the job.

BACKGROUND CHECKS:

OIEC conduct driver's license checks on all employees prior to their hire date.

Office of Injured Employee Counsel



August 12, 2014

2.A. Summary of Base Request by Strategy

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Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>1</u> Assist Individual Injured Employees through the Ombudsman Program					
<u>1</u> Assist Unrepresented Injured Employees in Dispute Resolution					
1 OMBUDSMAN PROGRAM	4,491,557	4,794,313	5,020,132	4,990,132	4,990,132
TOTAL, GOAL 1	\$4,491,557	\$4,794,313	\$5,020,132	\$4,990,132	\$4,990,132
<u>2</u> Increase Injured Employee Education and Provide Referrals					
<u>1</u> Inform Injured Employees/System Participants and Provide Referrals					
1 RIGHTS RESPONSIBILITIES & REFERRAL	1,606,357	1,726,305	1,796,330	1,856,330	1,856,330
TOTAL, GOAL 2	\$1,606,357	\$1,726,305	\$1,796,330	\$1,856,330	\$1,856,330
<u>3</u> Advocate for Injured Employees As a Class					
<u>1</u> Ensure Adequate Rules to Protect Injured Employees and Act as Resource					
1 ADVOCATE FOR INJURED EMPLOYEES	1,713,291	1,706,080	1,700,471	1,598,777	1,598,777
TOTAL, GOAL 3	\$1,713,291	\$1,706,080	\$1,700,471	\$1,598,777	\$1,598,777
TOTAL, AGENCY STRATEGY REQUEST	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239

2.A. Summary of Base Request by Strategy

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Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
<u>METHOD OF FINANCING:</u>					
General Revenue Dedicated Funds:					
36 Dept Ins Operating Acct	7,811,205	8,226,698	8,516,933	8,445,239	8,445,239
SUBTOTAL	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
TOTAL, METHOD OF FINANCING	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239

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

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

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Agency code: **448**

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

METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
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GENERAL REVENUE FUND - DEDICATED

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

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2012-13 GAA)

\$7,769,542	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2014-15 GAA)

\$0	\$8,199,542	\$8,199,542	\$0	\$0
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Regular Appropriations

\$0	\$0	\$0	\$8,445,239	\$8,445,239
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TRANSFERS

Art IX, Sec 17.06 Salary Increase for General State Employees (2014-15 GAA)

\$0	\$98,850	\$245,697	\$0	\$0
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LAPSED APPROPRIATIONS

Lapsed Appropriations

\$(57,275)	\$0	\$0	\$0	\$0
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2.B. Summary of Base Request by Method of Finance

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

METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
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GENERAL REVENUE FUND - DEDICATED

Comments: The agency's lapsed appropriations in FY 2013 (\$57,275) is attributed to maintaining a sufficient amount of funds to cover any unspecified expenditures required after the end of the fiscal year such as unemployment benefits, travel reimbursements, retirements, and other expenses. Additionally, TDI's budget department recommends saving approximately \$40,000 to cover fiscal year-end retirements and other unanticipated expenditures.

At the end of FY 2014, any remaining funds up to five percent of OIEC's annual appropriations will be transferred due to unexpended balance authority to FY 2015 for operational purposes as well as any other unspecified expenditures.

UNEXPENDED BALANCES AUTHORITY

Art. VIII, Rider 2 Unexpended Balanced Authority (2012-13 GAA)

\$98,938	\$0	\$0	\$0	\$0
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Comments: The amount of funds transferred is attributable to unexpended balance authority in FY 2013 (\$98,938) that resulted from a combination of lapsed salaries and unspent encumbrances. At the end of FY 2013, OIEC had nine vacancies that it was actively working to fill. The number of vacant positions fluctuates throughout the year and produces lapse salaries; however, the agency does not expect as high of a turnover in FY 2014 as it experienced in FY 2013. The agency does expect turnover as a result of retirement and low agency pay.

Art. VIII, Rider 2 Unexpended Balanced Authority (2014-15 GAA)

\$0	\$(71,694)	\$71,694	\$0	\$0
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2.B. Summary of Base Request by Method of Finance

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code:	448	Agency name:	Office of Injured Employee Counsel			
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>GENERAL REVENUE FUND - DEDICATED</u>						
	<p>Comments: The funds anticipated to be transferred are due to unexpended balance authority from 2014 to 2015 (\$71,694) that is anticipated from a combination of lapsed salaries and unspent encumbrances. At the end of FY 2014, OIEC anticipates having eight vacancies that it is actively working to fill. The number of vacant positions fluctuates throughout the year and produces lapse salaries; however, the agency does not expect as high of a turnover in FY 2015 as it experienced in FY 2014. The agency does expect turnover as a result of retirement and low agency pay.</p>					
TOTAL,	GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036					
		\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
TOTAL, ALL	GENERAL REVENUE FUND - DEDICATED					
		\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
TOTAL,	GR & GR-DEDICATED FUNDS					
		\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
GRAND TOTAL		\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239

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

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Agency code: 448	Agency name: Office of Injured Employee Counsel				
METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2012-13 GAA)	175.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2014-15 GAA)	0.0	175.0	175.0	0.0	0.0
Regular Appropriations	0.0	0.0	0.0	175.0	175.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over (Below) Cap	(18.0)	0.0	0.0	0.0	0.0
Unauthorized Number Over (Below) Cap	0.0	(8.0)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	157.0	167.0	175.0	175.0	175.0

NUMBER OF 100% FEDERALLY FUNDED FTEs

2.C. Summary of Base Request by Object of Expense

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OBJECT OF EXPENSE	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1001 SALARIES AND WAGES	\$6,740,100	\$7,167,891	\$7,684,918	\$7,684,918	\$7,684,918
1002 OTHER PERSONNEL COSTS	\$445,431	\$455,447	\$265,421	\$265,421	\$265,421
2001 PROFESSIONAL FEES AND SERVICES	\$25,008	\$10,948	\$10,000	\$10,000	\$10,000
2003 CONSUMABLE SUPPLIES	\$366	\$173	\$0	\$0	\$0
2004 UTILITIES	\$16,824	\$7,428	\$10,000	\$10,000	\$10,000
2005 TRAVEL	\$328,499	\$306,020	\$284,900	\$284,900	\$284,900
2006 RENT - BUILDING	\$2,916	\$3,007	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$2,850	\$2,800	\$0	\$0	\$0
2009 OTHER OPERATING EXPENSE	\$249,211	\$272,984	\$261,694	\$190,000	\$190,000
OOE Total (Excluding Riders)	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
OOE Total (Riders)					
Grand Total	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239

2.D. Summary of Base Request Objective Outcomes
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Goal/ Objective / Outcome	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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	61.04%	65.00%	62.00%	62.00%	62.00%
KEY 2 % Dispute Resolution Proceedings at DWC with Ombudsman Assistance	46.10%	44.05%	44.00%	44.00%	44.00%
KEY 3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist	26.78%	28.84%	27.00%	27.00%	27.00%
KEY 4 Percentage of Appeal Issues Prevailed with Ombudsman Assistance	23.34%	23.06%	23.00%	23.00%	23.00%
2 Increase Injured Employee Education and Provide Referrals					
1 Inform Injured Employees/System Participants and Provide Referrals					
KEY 1 % Injured Employees Reached by OIEC Efforts	93.00%	92.45%	92.00%	92.00%	92.00%
3 Advocate for Injured Employees As a Class					
1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource					
1 Percentage of Adopted Workers' Compensation Rules Analyzed	100.00%	100.00%	100.00%	100.00%	100.00%
2 Percent Adopted WC Rules in which OIEC Participated	100.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Rules Changed for the Benefit of Injured Employees	75.00%	75.00%	75.00%	75.00%	75.00%

2.F. Summary of Total Request by Strategy
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DATE : 8/18/2014

TIME : 4:47:12PM

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

Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
1 Assist Individual Injured Employees through the Ombudsman Program						
<i>1 Assist Unrepresented Injured Employees in Dispute Resolution</i>						
1 OMBUDSMAN PROGRAM	\$4,990,132	\$4,990,132	\$0	\$0	\$4,990,132	\$4,990,132
TOTAL, GOAL 1	\$4,990,132	\$4,990,132	\$0	\$0	\$4,990,132	\$4,990,132
2 Increase Injured Employee Education and Provide Referrals						
<i>1 Inform Injured Employees/System Participants and Provide Referrals</i>						
1 RIGHTS RESPONSIBILITIES & REFERRAL	1,856,330	1,856,330	0	0	1,856,330	1,856,330
TOTAL, GOAL 2	\$1,856,330	\$1,856,330	\$0	\$0	\$1,856,330	\$1,856,330
3 Advocate for Injured Employees As a Class						
<i>1 Ensure Adequate Rules to Protect Injured Employees and Act as Reso</i>						
1 ADVOCATE FOR INJURED EMPLOYEES	1,598,777	1,598,777	0	0	1,598,777	1,598,777
TOTAL, GOAL 3	\$1,598,777	\$1,598,777	\$0	\$0	\$1,598,777	\$1,598,777
TOTAL, AGENCY STRATEGY REQUEST	\$8,445,239	\$8,445,239	\$0	\$0	\$8,445,239	\$8,445,239
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$8,445,239	\$8,445,239	\$0	\$0	\$8,445,239	\$8,445,239

2.F. Summary of Total Request by Strategy
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/18/2014

TIME : 4:47:12PM

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

Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
General Revenue Dedicated Funds:						
36 Dept Ins Operating Acct	\$8,445,239	\$8,445,239	\$0	\$0	\$8,445,239	\$8,445,239
	\$8,445,239	\$8,445,239	\$0	\$0	\$8,445,239	\$8,445,239
TOTAL, METHOD OF FINANCING	\$8,445,239	\$8,445,239	\$0	\$0	\$8,445,239	\$8,445,239
FULL TIME EQUIVALENT POSITIONS	175.0	175.0	0.0	0.0	175.0	175.0

2.G. Summary of Total Request Objective Outcomes
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/18/2014
 Time: 9:29:21AM

Agency code: 448

Agency name: Office of Injured Employee Counsel

Goal/ Objective / Outcome

		BL 2016	BL 2017	Excp 2016	Excp 2017	Total Request 2016	Total Request 2017
1	Assist Individual Injured Employees through the Ombudsman Program						
1	<i>Assist Unrepresented Injured Employees in Dispute Resolution</i>						
	1 % Disputes Resolved Prior to TDI Dispute Resolution Process						
		62.00%	62.00%			62.00%	62.00%
KEY	2 % Dispute Resolution Proceedings at DWC with Ombudsman Assistance						
		44.00%	44.00%			44.00%	44.00%
KEY	3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist						
		27.00%	27.00%			27.00%	27.00%
KEY	4 Percentage of Appeal Issues Prevailed with Ombudsman Assistance						
		23.00%	23.00%			23.00%	23.00%
2	Increase Injured Employee Education and Provide Referrals						
1	<i>Inform Injured Employees/System Participants and Provide Referrals</i>						
KEY	1 % Injured Employees Reached by OIEC Efforts						
		92.00%	92.00%			92.00%	92.00%
3	Advocate for Injured Employees As a Class						
1	<i>Ensure Adequate Rules to Protect Injured Employees and Act as Resource</i>						
	1 Percentage of Adopted Workers' Compensation Rules Analyzed						
		100.00%	100.00%			100.00%	100.00%
	2 Percent Adopted WC Rules in which OIEC Participated						
		100.00%	100.00%			100.00%	100.00%

2.G. Summary of Total Request Objective Outcomes
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/18/2014
 Time: 9:29:21AM

Agency code: 448

Agency name: Office of Injured Employee Counsel

Goal/ Objective / Outcome

	BL 2016	BL 2017	Excp 2016	Excp 2017	Total Request 2016	Total Request 2017
KEY						
3 Percentage of Rules Changed for the Benefit of Injured Employees						
	75.00%	75.00%			75.00%	75.00%

448 Office of Injured Employee Counsel

GOAL:	1	Assist Individual Injured Employees through the Ombudsman Program	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Output Measures:						
	1 Number of Injured Employees Prepared for BRC by an Ombudsman	6,087.00	5,454.00	5,500.00	5,500.00	5,500.00
KEY	2 Number of Benefit Review Conferences with Ombudsman Assistance	7,416.00	6,935.00	6,500.00	6,500.00	6,500.00
	3 Number of Injured Employees Prepared for CCH by an Ombudsman	3,513.00	3,068.00	3,000.00	3,000.00	3,000.00
KEY	4 Number of Contested Case hearings with Ombudsman Assistance	3,276.00	2,976.00	3,000.00	3,000.00	3,000.00
KEY	5 Number of Injured Employees Prepared for an Appeal by an Ombudsman	1,257.00	1,094.00	1,000.00	1,000.00	1,000.00
Efficiency Measures:						
	1 Avg Days to Resolve a Disputed Issue Prior to Entering a Proceeding	21.40	22.60	22.00	22.00	22.00
Explanatory/Input Measures:						
	1 Avg Dollar Amount Saved/Injured Employee Assisted by Ombudsman	1,820.00	1,784.00	1,800.00	1,800.00	1,800.00
	2 Number of Disputed Issues Resolved Prior to Entering a Proceeding	5,696.00	5,419.00	5,400.00	5,400.00	5,400.00

448 Office of Injured Employee Counsel

GOAL: 1 Assist Individual Injured Employees through the Ombudsman Program Statewide Goal/Benchmark: 7 5
 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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
KEY 3	Number of Preparation Appointments Prior to Benefit Review Conference	16,983.00	15,464.00	15,000.00	15,000.00	15,000.00
KEY 4	Number of Preparation Appointments Prior to Contested Case Hearing	5,720.00	5,146.00	5,000.00	5,000.00	5,000.00
KEY 5	Number of Preparation Appointments Held for an Appeal by an Ombudsman	1,367.00	1,174.00	1,050.00	1,050.00	1,050.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$3,934,258	\$4,244,592	\$4,620,132	\$4,620,132	\$4,620,132
1002	OTHER PERSONNEL COSTS	\$274,648	\$258,275	\$144,000	\$144,000	\$144,000
2001	PROFESSIONAL FEES AND SERVICES	\$2,375	\$0	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$0	\$0	\$0	\$0	\$0
2004	UTILITIES	\$0	\$0	\$0	\$0	\$0
2005	TRAVEL	\$195,061	\$160,591	\$160,000	\$160,000	\$160,000
2006	RENT - BUILDING	\$0	\$0	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$0	\$0	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$85,215	\$130,855	\$96,000	\$66,000	\$66,000
TOTAL, OBJECT OF EXPENSE		\$4,491,557	\$4,794,313	\$5,020,132	\$4,990,132	\$4,990,132

Method of Financing:

448 Office of Injured Employee Counsel

GOAL:	1	Assist Individual Injured Employees through the Ombudsman Program	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
36	Dept Ins Operating Acct	\$4,491,557	\$4,794,313	\$5,020,132	\$4,990,132	\$4,990,132
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		\$4,491,557	\$4,794,313	\$5,020,132	\$4,990,132	\$4,990,132
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$4,990,132	\$4,990,132
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$4,491,557	\$4,794,313	\$5,020,132	\$4,990,132	\$4,990,132
FULL TIME EQUIVALENT POSITIONS:		93.5	100.4	107.0	107.0	107.0

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.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

448 Office of Injured Employee Counsel

GOAL:	1	Assist Individual Injured Employees through the Ombudsman Program	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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- 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:	2	Increase Injured Employee Education and Provide Referrals	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Output Measures:						
	1 Number of Phone Calls Where Injured Employees Were Educated/Assisted	214,949.00	221,297.00	220,000.00	220,000.00	220,000.00
	2 Number of Injured Employees Assisted at Local Field Offices	30,556.00	27,023.00	27,000.00	27,000.00	27,000.00
	3 Number of Public Outreach Presentations Performed	95.00	80.00	65.00	65.00	65.00
	4 Number of Referrals to DARS, TWC and TDI	5,129.00	4,807.00	4,800.00	4,800.00	4,800.00
Efficiency Measures:						
KEY 1	Avg # of Educational Sessions Provided to Injured Employees Per Month	20,467.00	20,700.00	20,000.00	20,000.00	20,000.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,395,818	\$1,550,320	\$1,643,330	\$1,703,330	\$1,703,330
1002	OTHER PERSONNEL COSTS	\$82,603	\$84,311	\$71,000	\$71,000	\$71,000
2001	PROFESSIONAL FEES AND SERVICES	\$11,005	\$0	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$0	\$0	\$0	\$0	\$0
2004	UTILITIES	\$0	\$0	\$0	\$0	\$0
2005	TRAVEL	\$76,651	\$66,404	\$60,000	\$60,000	\$60,000
2006	RENT - BUILDING	\$0	\$0	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$0	\$0	\$0	\$0	\$0

448 Office of Injured Employee Counsel

GOAL: 2 Increase Injured Employee Education and Provide Referrals Statewide Goal/Benchmark: 7 5
 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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
2009	OTHER OPERATING EXPENSE	\$40,280	\$25,270	\$22,000	\$22,000	\$22,000
TOTAL, OBJECT OF EXPENSE		\$1,606,357	\$1,726,305	\$1,796,330	\$1,856,330	\$1,856,330
Method of Financing:						
36	Dept Ins Operating Acct	\$1,606,357	\$1,726,305	\$1,796,330	\$1,856,330	\$1,856,330
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		\$1,606,357	\$1,726,305	\$1,796,330	\$1,856,330	\$1,856,330
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,856,330	\$1,856,330
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,606,357	\$1,726,305	\$1,796,330	\$1,856,330	\$1,856,330
FULL TIME EQUIVALENT POSITIONS:		42.7	46.7	48.0	49.0	49.0

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	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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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:	3	Advocate for Injured Employees As a Class	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Output Measures:						
KEY 1	Number of Adopted Workers' Compensation Rules Analyzed by OIEC	6.00	6.00	6.00	6.00	6.00
KEY 2	# of Adopted Workers' Compensation Rules in Which OIEC Participated	4.00	4.00	4.00	4.00	4.00
3	Number of Rules Changed as a Result of OIEC Participation	3.00	3.00	3.00	3.00	3.00
4	Number of Assists a Regional Staff Attorney Provides to an Ombudsman	2,554.00	2,738.00	2,700.00	2,700.00	2,700.00
Explanatory/Input Measures:						
1	Number of Workers' Compensation Rules Adopted	6.00	6.00	6.00	6.00	6.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,410,024	\$1,372,979	\$1,421,456	\$1,361,456	\$1,361,456
1002	OTHER PERSONNEL COSTS	\$88,180	\$112,861	\$50,421	\$50,421	\$50,421
2001	PROFESSIONAL FEES AND SERVICES	\$11,628	\$10,948	\$10,000	\$10,000	\$10,000
2003	CONSUMABLE SUPPLIES	\$366	\$173	\$0	\$0	\$0
2004	UTILITIES	\$16,824	\$7,428	\$10,000	\$10,000	\$10,000
2005	TRAVEL	\$56,787	\$79,025	\$64,900	\$64,900	\$64,900
2006	RENT - BUILDING	\$2,916	\$3,007	\$0	\$0	\$0

448 Office of Injured Employee Counsel

GOAL: 3 Advocate for Injured Employees As a Class Statewide Goal/Benchmark: 7 5
 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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
2007	RENT - MACHINE AND OTHER	\$2,850	\$2,800	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$123,716	\$116,859	\$143,694	\$102,000	\$102,000
TOTAL, OBJECT OF EXPENSE		\$1,713,291	\$1,706,080	\$1,700,471	\$1,598,777	\$1,598,777
Method of Financing:						
36	Dept Ins Operating Acct	\$1,713,291	\$1,706,080	\$1,700,471	\$1,598,777	\$1,598,777
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		\$1,713,291	\$1,706,080	\$1,700,471	\$1,598,777	\$1,598,777
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,598,777	\$1,598,777
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,713,291	\$1,706,080	\$1,700,471	\$1,598,777	\$1,598,777
FULL TIME EQUIVALENT POSITIONS:		20.8	19.9	20.0	19.0	19.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

448 Office of Injured Employee Counsel

GOAL:	3	Advocate for Injured Employees As a Class	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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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	Statewide Goal/Benchmark:	7	5
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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- 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

3.A. Strategy Request

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
METHODS OF FINANCE (INCLUDING RIDERS):				\$8,445,239	\$8,445,239
METHODS OF FINANCE (EXCLUDING RIDERS):	\$7,811,205	\$8,226,698	\$8,516,933	\$8,445,239	\$8,445,239
FULL TIME EQUIVALENT POSITIONS:	157.0	167.0	175.0	175.0	175.0

3.B. Rider Revisions and Additions Request

Agency Code: 448	Agency Name: Office of Injured Employee Counsel	Prepared By: Brian White, Deputy Public Counsel/Chief of Staff	Date: August 12, 2014	Request Level: Base
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Current Rider Number	Page Number in 2014–15 GAA	Proposed Rider Language
2	VIII- 45 16	<p>Unexpended Balance Authority. Any unexpended balances as of August 31, 2014<u>2016</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, 2015<u>2017</u>.</p> <p style="text-align: center;"><i>The dates and page number have been changed to reflect the FY 2016-2017 biennium.</i></p> <p><i>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.</i></p>

6.A. Historically Underutilized Business Supporting Schedule
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: **8/18/2014**
 Time: **9:35:30AM**

Agency Code: **448** Agency: **Office of Injured Employee Counsel**

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2012 - 2013 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2012			Total Expenditures FY 2012		HUB Expenditures FY 2013			Total Expenditures FY 2013	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2013		
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	
32.7%	Special Trade Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
23.6%	Professional Services	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$2,375	
24.6%	Other Services	0.5 %	0.5%	0.0%	\$198	\$37,344	2.2 %	2.2%	0.0%	\$1,169	\$53,024	
21.0%	Commodities	46.3 %	46.3%	0.0%	\$10,662	\$23,008	62.9 %	62.9%	0.0%	\$15,266	\$24,267	
	Total Expenditures		18.0%		\$10,860	\$60,352		20.6%		\$16,435	\$79,666	

B. Assessment of Fiscal Year 2012 - 2013 Efforts to Meet HUB Procurement Goals

Attainment:

The agency attained or exceeded one of the three goals, or 33 percent, of the applicable statewide HUB procurement goals in FY 2012 and FY 2013.

Applicability:

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

Factors Affecting Attainment:

Professional Services: No expenditures were made under "Professional Services" procurement category for FY 2012.

Other Services and Commodities: Several of the contracts under the "Other Services" category were specialized contracts with low HUB participation. Major expenditures in Commodities included office equipment and hardware maintenance services.

"Good-Faith" Efforts:

Since TDIs Purchasing Department is responsible for OIEC's procurement process, OIEC was able to be a part of TDI HUB Forums hosted since FY 2006. Additionally, OIEC and TDI are in concert to ensure that our use of each HUB vendor class (Hispanic, Female, etc.) is representative and proportional to the availability of goods and services from each class.

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/19/2014
Time: 7:33:47AM

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

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2016	2017	Biennial Total	2016	2017	Biennial Total	
1 1-Furlough							
Category: Programs - Service Reductions (Other)							
Item Comment: As an alternative to a reduction-in-force, Option 1 involves unpaid leave for 27.9 days over a 12-month period for all OIEC employees, which is equivalent to approximately 2.3 days per month. This effectively reduces each employee's salary by approximately 10.7 percent. Performance measures will also be negatively impacted.							
Strategy: 1-1-1 Assist Unrepresented Injured Employees in Dispute Resolution							
<u>Gr Dedicated</u>							
36 Dept Ins Operating Acct	\$0	\$0	\$0	\$494,497	\$494,497	\$988,994	
Gr Dedicated Total	\$0	\$0	\$0	\$494,497	\$494,497	\$988,994	
Strategy: 2-1-1 Assist Injured Employees & Provide Referrals to Programs & Services							
<u>Gr Dedicated</u>							
36 Dept Ins Operating Acct	\$0	\$0	\$0	\$182,395	\$182,395	\$364,790	
Gr Dedicated Total	\$0	\$0	\$0	\$182,395	\$182,395	\$364,790	
Strategy: 3-1-1 Advocate for Injured Employees							
<u>Gr Dedicated</u>							
36 Dept Ins Operating Acct	\$0	\$0	\$0	\$143,062	\$143,062	\$286,124	
Gr Dedicated Total	\$0	\$0	\$0	\$143,062	\$143,062	\$286,124	
Item Total	\$0	\$0	\$0	\$819,954	\$819,954	\$1,639,908	
FTE Reductions (From FY 2016 and FY 2017 Base Request)							
AGENCY TOTALS							
GR Dedicated Total				\$819,954	\$819,954	\$1,639,908	\$1,639,908

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/19/2014
Time: 7:33:47AM

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

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2016	2017	Biennial Total	2016	2017	Biennial Total	
Agency Grand Total	\$0	\$0	\$0	\$819,954	\$819,954	\$1,639,908	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2016 and FY 2017 Base Request)							

7.A. Indirect Administrative and Support Costs

8/18/2014 1:58:51PM

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

Strategy		Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
3-1-1	Advocate for Injured Employees					
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	\$587,893	\$ 584,641	\$ 593,943	\$ 593,943	\$ 593,943
1002	OTHER PERSONNEL COSTS	17,040	14,400	14,640	16,560	16,560
2001	PROFESSIONAL FEES AND SERVICES	1,274	524	457	457	457
2003	CONSUMABLE SUPPLIES	19	8	0	0	0
2004	UTILITIES	857	356	457	457	457
2005	TRAVEL	20,899	20,500	20,500	22,955	22,955
2006	RENT - BUILDING	149	144	0	0	0
2007	RENT - MACHINE AND OTHER	145	134	0	0	0
2009	OTHER OPERATING EXPENSE	12,699	13,077	11,963	8,686	8,686
Total, Objects of Expense		\$640,975	\$633,784	\$641,960	\$643,058	\$643,058
METHOD OF FINANCING:						
36	Dept Ins Operating Acct	640,975	633,784	641,960	643,058	643,058
Total, Method of Financing		\$640,975	\$633,784	\$641,960	\$643,058	\$643,058
FULL TIME EQUIVALENT POSITIONS		8.0	8.0	8.0	8.0	8.0

Method of Allocation

7.A. Indirect Administrative and Support Costs

8/18/2014 1:58:51PM

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

Exp 2013

Est 2014

Bud 2015

BL 2016

BL 2017

The administrative and support costs in this strategy are related to those personnel who provide technical and administrative support to the agency pertaining to:

- Strategic planning,
- Performance measure tracking, monitoring, and reporting,
- Facilities management,
- Travel and logistical support,
- Budget planning and monitoring,
- Procurement and purchasing,
- Human resources issues,
- Internal audit reports,
- Public information requests, and
- OIEC's Business Plan.

Operations conduct General Counsel services, including agency rulemaking; administer surveys; research and analyze data for special projects, workload, and performance measures; and develop and submit reports required by statute, including:

- Legislative Report,
- Five-year Strategic Plan,
- Operating Budget, and
- Legislative Appropriations Request.

Additionally, staff recommend and track legislation; serve as liaison to other state agencies and legislative offices; and coordinate the annual OIEC Conference. This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

7.A. Indirect Administrative and Support Costs

8/18/2014 1:58:51PM

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

448 Office of Injured Employee Counsel

	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$587,893	\$584,641	\$593,943	\$593,943	\$593,943
1002 OTHER PERSONNEL COSTS	\$17,040	\$14,400	\$14,640	\$16,560	\$16,560
2001 PROFESSIONAL FEES AND SERVICES	\$1,274	\$524	\$457	\$457	\$457
2003 CONSUMABLE SUPPLIES	\$19	\$8	\$0	\$0	\$0
2004 UTILITIES	\$857	\$356	\$457	\$457	\$457
2005 TRAVEL	\$20,899	\$20,500	\$20,500	\$22,955	\$22,955
2006 RENT - BUILDING	\$149	\$144	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$145	\$134	\$0	\$0	\$0
2009 OTHER OPERATING EXPENSE	\$12,699	\$13,077	\$11,963	\$8,686	\$8,686
Total, Objects of Expense	\$640,975	\$633,784	\$641,960	\$643,058	\$643,058
Method of Financing					
36 Dept Ins Operating Acct	\$640,975	\$633,784	\$641,960	\$643,058	\$643,058
Total, Method of Financing	\$640,975	\$633,784	\$641,960	\$643,058	\$643,058
Full-Time-Equivalent Positions (FTE)	8.0	8.0	8.0	8.0	8.0

Agency code: 448

Agency name: Office of Injured Employee Counsel

Strategy	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1-1-1 Assist Unrepresented Injured Employees in Dispute Resolution					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$90,000	\$90,900	\$92,718	\$92,718	\$92,718
1002 OTHER PERSONNEL COSTS	2,160	2,160	2,160	2,400	2,400
2001 PROFESSIONAL FEES AND SERVICES	159	66	57	30	30
2003 CONSUMABLE SUPPLIES	2	1	0	0	0
2004 UTILITIES	107	44	57	30	30
2005 TRAVEL	1,292	2,000	2,000	2,000	2,000
2006 RENT - BUILDING	19	18	0	0	0
2007 RENT - MACHINE AND OTHER	18	17	0	0	0
2009 OTHER OPERATING EXPENSE	1,587	1,635	1,495	576	576
Total, Objects of Expense	\$95,344	\$96,841	\$98,487	\$97,754	\$97,754
METHOD OF FINANCING:					
36 Dept Ins Operating Acct	95,344	96,841	98,487	97,754	97,754
Total, Method of Financing	\$95,344	\$96,841	\$98,487	\$97,754	\$97,754
FULL-TIME-EQUIVALENT POSITIONS (FTE):	1.0	1.0	1.0	1.0	1.0

DESCRIPTION

This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

The Direct Administration represents staff that relate solely to the administration of the strategy associated with the Ombudsman Program.

Agency code: 448

Agency name: Office of Injured Employee Counsel

Strategy	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
2-1-1 Assist Injured Employees & Provide Referrals to Programs & Services					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$80,000	\$80,800	\$82,416	\$82,416	\$82,416
1002 OTHER PERSONNEL COSTS	2,640	2,640	2,640	2,880	2,880
2001 PROFESSIONAL FEES AND SERVICES	159	66	57	30	30
2003 CONSUMABLE SUPPLIES	2	1	0	0	0
2004 UTILITIES	107	44	57	30	30
2005 TRAVEL	12,594	4,700	4,700	4,700	4,700
2006 RENT - BUILDING	19	18	0	0	0
2007 RENT - MACHINE AND OTHER	18	17	0	0	0
2009 OTHER OPERATING EXPENSE	1,587	1,635	1,495	576	576
Total, Objects of Expense	\$97,126	\$89,921	\$91,365	\$90,632	\$90,632
METHOD OF FINANCING:					
36 Dept Ins Operating Acct	97,126	89,921	91,365	90,632	90,632
Total, Method of Financing	\$97,126	\$89,921	\$91,365	\$90,632	\$90,632
FULL-TIME-EQUIVALENT POSITIONS (FTE):	1.0	1.0	1.0	1.0	1.0

DESCRIPTION

This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

The Direct Administration represents staff that relate solely to the administration of the strategy associated with the Customer Service Program.

Agency code: 448

Agency name: Office of Injured Employee Counsel

Strategy	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
3-1-1 Advocate for Injured Employees					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$100,000	\$101,000	\$103,020	\$103,020	\$103,020
1002 OTHER PERSONNEL COSTS	2,160	2,160	2,160	2,400	2,400
2001 PROFESSIONAL FEES AND SERVICES	159	66	57	30	30
2003 CONSUMABLE SUPPLIES	2	1	0	0	0
2004 UTILITIES	107	44	57	30	30
2005 TRAVEL	1,319	2,000	2,000	2,000	2,000
2006 RENT - BUILDING	19	18	0	0	0
2007 RENT - MACHINE AND OTHER	18	17	0	0	0
2009 OTHER OPERATING EXPENSE	1,587	1,635	1,495	576	576
Total, Objects of Expense	\$105,371	\$106,941	\$108,789	\$108,056	\$108,056
METHOD OF FINANCING:					
36 Dept Ins Operating Acct	105,371	106,941	108,789	108,056	108,056
Total, Method of Financing	\$105,371	\$106,941	\$108,789	\$108,056	\$108,056
FULL-TIME-EQUIVALENT POSITIONS (FTE):	1.0	1.0	1.0	1.0	1.0

DESCRIPTION

This method was chosen because salary represents approximately 94 percent of the total operating costs for the agency.

The Direct Administration represents staff that relate solely to the administration of the strategy associated with Legal Services.

Agency code: 448

Agency name: Office of Injured Employee Counsel

	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$270,000	\$272,700	\$278,154	\$278,154	\$278,154
1002 OTHER PERSONNEL COSTS	\$6,960	\$6,960	\$6,960	\$7,680	\$7,680
2001 PROFESSIONAL FEES AND SERVICES	\$477	\$198	\$171	\$90	\$90
2003 CONSUMABLE SUPPLIES	\$6	\$3	\$0	\$0	\$0
2004 UTILITIES	\$321	\$132	\$171	\$90	\$90
2005 TRAVEL	\$15,205	\$8,700	\$8,700	\$8,700	\$8,700
2006 RENT - BUILDING	\$57	\$54	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$54	\$51	\$0	\$0	\$0
2009 OTHER OPERATING EXPENSE	\$4,761	\$4,905	\$4,485	\$1,728	\$1,728
Total, Objects of Expense	\$297,841	\$293,703	\$298,641	\$296,442	\$296,442
Method of Financing					
36 Dept Ins Operating Acct	\$297,841	\$293,703	\$298,641	\$296,442	\$296,442
Total, Method of Financing	\$297,841	\$293,703	\$298,641	\$296,442	\$296,442
Full-Time-Equivalent Positions (FTE)	3.0	3.0	3.0	3.0	3.0