



Appendix G

Workforce Plan

as submitted in the

Strategic Plan

Fiscal Years 2009-2013

The Office of Injured Employee Counsel

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APPENDIX F

The Office of Injured Employee Counsel (OIEC)

Workforce Plan



As part of the strategic plan required under Texas Government Code, Section 2056.002, each State agency is required to conduct a strategic staffing analysis and develop a workforce plan according to guidelines developed by the State Auditor. Workforce planning is an organized process for:

- Identifying the number of employees and the types of employee skill sets required to meet agency goals and strategic objectives; and
- Developing a plan of action to ensure that the appropriate workforce will be available to provide quality services to the citizens of Texas.



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 100% of unrepresented injured employees requesting assistance through 2011.*

Goal 2 -- *To educate injured employees about their rights and responsibilities and improve their ability to effectively navigate through the workers' compensation system.*

Objective 2.1 -- *To increase the knowledge of 100% of injured employees contacted about their rights and responsibilities through 2011.*

Goal 3 -- *To advocate on behalf of injured employees as a class to ensure that the workers' compensation statute and rules protect their rights.*

Objective 3.1 *To advocate on behalf of injured workers as a class in 100% of proposed workers' compensation statutory changes and rules that have an impact on the class through 2011.*

Core Business Functions

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

- 1) Assisting injured employees in the workers' compensation system by providing free Ombudsman services in TDI's administrative dispute resolution system;
- 2) Educating injured employees about their rights and responsibilities and improve their ability to effectively navigate through the workers' compensation system; and
- 3) Advocating on behalf of injured employees as a class in order to achieve a balanced workers' compensation system and protect their rights.

OIEC also refers injured employees to the Department of Assistive and Rehabilitative Services (DARS), the Texas Workforce Commission (TWC), TDI or other social or regulatory services, such as the Health and Human Services Commission (HHSC) 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.

Additionally, OIEC provides outreach presentations, workshops, seminars, speaking engagements, or other forums 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

OIEC recommended amending the agency's mission to more accurately align itself with the agency's enabling statute (Chapter 404 of the Texas Labor Code), and to more clearly delineate the agency's mission to assist, educate, and advocate on behalf of the injured employees of Texas. Although OIEC continues to build relationships with, and seeks feedback from other workers' compensation stakeholders, the agency's mission was redefined to emphasize representation of interests of injured employees over the goal of creating a balanced system, which is more properly a goal of the regulatory agency.

OIEC believes that an agency that clearly serves as a voice for injured employees in the workers' compensation system results in a more balanced system that serves Texans and is subject to TDI regulation.

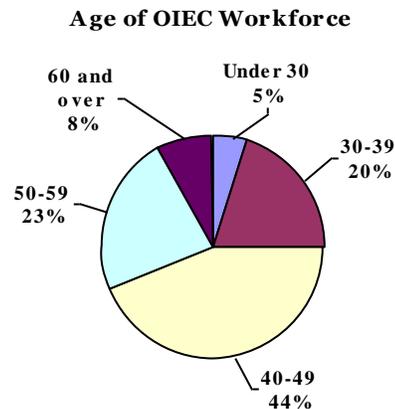
The 2008-2009 budget structure was carefully reviewed and recommendations for changes to the 2010-2011 budget structure were submitted to the LBB and GOBPP on April 16, 2008. OIEC realigned two of its goals to reflect the appropriate priority. The agency also requested to consolidate two strategies into one under Goal 2.

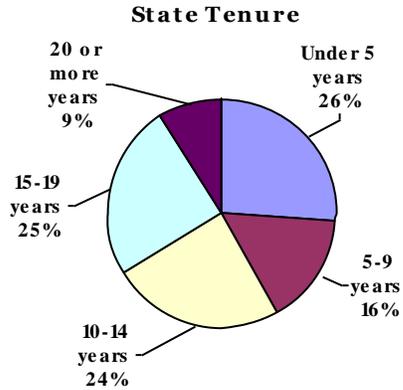
Additional changes to the mission, strategies, and goals for the 2012-2013 biennia are not anticipated at this time.

II. CURRENT WORKFORCE PROFILE (SUPPLY ANALYSIS)

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

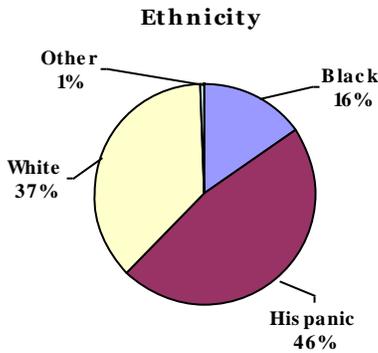
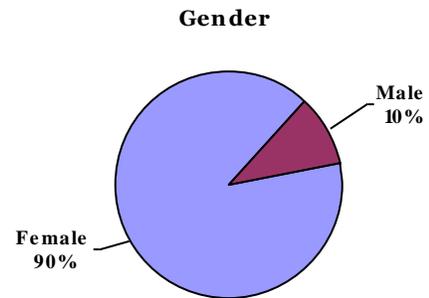
Aging Workforce. The average age of an OIEC employee is 45. One-fourth of the employees are under the age of 30, while 43% are between the ages of 40 and 49. More than 30% are 50 or older.





Average State Tenure. The average State tenure for an OIEC employee is 10.83 years. Almost ten percent of OIEC employees have at least 20 years of experience; while almost 50% have between 10 and 20 years of experience. Most OIEC employees also have workers' compensation experience.

Gender of OIEC Employees. According to the Statewide Civilian Workforce Composition, 45.7% of employees in Texas are female. The percent of female employees at OIEC is well above this number at 90%.



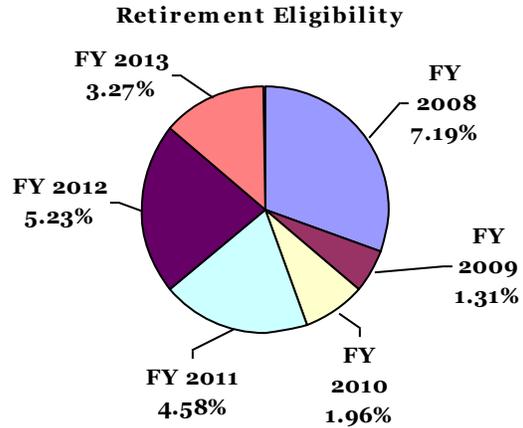
Ethnicity. OIEC's percentage of minority employees is well above the Statewide Civilian Workforce Composition with 16% Blacks and 46% Hispanics. The Statewide Composition is 11% Blacks and 28% Hispanics.

EEO Category	Office of Injured Employee Counsel – Workforce Statistics							
	Black	Hispanic	White	Asian	Other	Female	Male	Total Positions
Officials, Admin. (A)	1	6	4	0	0	7	4	11
Professional (P)	18	36	40	0	1	85	10	95
Technical (T)	0	0	0	0	0	0	0	0
Para-Professional (Q)	2	19	5	0	0	25	1	26
Admin. Support (C)	3	11	8	0	0	21	1	22
Skilled Crafts (S)	0	0	0	0	0	0	0	0
Service & Maintenance (M)	0	0	0	0	0	0	0	0



Percent of Workforce Eligible to Retire

Approximately 24% of OIEC’s workforce will be eligible to retire through FY 2013.



Agency Turnover

The average turnover rate in FY 2007 was 15.31 percent. Of those, 3.06 percent was due to retirement.

The average turnover for the agency as of February FY 2008 is 7.17, with 2.15 percent due to retirement.

It is worth noting that 92% of OIEC employees see themselves working for this agency in two years, and OIEC believes that is a good indicator of how well the organization is doing at retaining its employees. See the 2008 Survey of Organizational Excellence, Appendix G.

Projected Employee Turnover Rate over the Next Five Years

OIEC anticipates that the turnover rate over the next five years will be less than 15%.

Workforce Skills Critical to the Mission and Goals of the Agency

The agency has many professional, skilled, and well-qualified employees. Maintaining a workforce with particular knowledge and skill sets is critical to the agency’s ability to operate efficiently. These skill sets include:

- Providing appropriate customer service;
- Interpreting legal/regulatory statutes;
- Providing legal and workers’ compensation research and analysis;
- Managing and providing leadership to staff;
- Providing medical research and analysis; and
- Performing audit and quality assurance, and administrative functions.



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 or a significant change in the number of staff available to perform those functions.

Future Workforce Skills Needed

- Providing appropriate customer service
- Interpreting legal/regulatory statutes
- Providing legal and workers' compensation research and analysis
- Managing and providing leadership to staff
- Providing medical research and analysis
- Performing audit and quality assurance, and administrative functions

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

An increase of two additional staff that will be located at the new South Austin Field Office will be requested in the FY 2010-2011 biennium. One staff will be a Customer Service Representative and one will be an Ombudsman to assist customers.

A Medical Consultant and Quality Assurance and Audit staff will also be requested in the FY 2010-2011 biennium. The Medical Consultant will provide assistance to Ombudsmen and other OIEC staff regarding medical dispute resolution, medical necessity, medical research, and other related issues. The Quality Assurance and Audit staff will ensure that the agency's operations are in good standing with the appropriate auditing practices, agency resources are used efficiently, and the integrity of OIEC's services are carried out in the State's 25 field offices. Currently, the agency contracts with an outside entity to conduct audits; however, the agency anticipates that an in-house auditor will provide maximum quality assurance at a savings compared to out-sourcing the service.

Critical Functions that Must Be Performed to Achieve the Strategic Plan

- Customer service functions
- Legal research and analysis functions
- Medical research and analysis functions
- Workers' compensation research and analysis functions
- Managerial functions
- Audit and quality assurance, and administrative functions.



IV. GAP ANALYSIS

Anticipated Surplus or Shortage in Staffing Levels

Additional positions will be requested in the FY 2010-2011 Legislation Appropriations Request as exceptional items.

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Anticipated Surplus or Shortage of Skills

Positions with the following specific skill sets will be requested in the FY 2010-2011 biennium as exceptional items.

Medical Background. A staff member with medical background is necessary to provide assistance and serve as a professional medical resource to Ombudsman and other OIEC staff regarding medical dispute resolution, medical necessity, medical research, and other related issues.

Audit Background. A staff person with auditing background is necessary to ensure that the agency's operations are in good standing with the appropriate auditing practices. Currently, the agency contracts with an outside entity to conduct audits; however, the agency anticipates that an in-house auditor will provide maximum quality assurance at a savings compared to out-sourcing the service.

V. STRATEGY DEVELOPMENT

Specific Goals to Address Workforce Competence Gaps or Surpluses

Recruitment and Retention Plans. It takes competent and motivated employees to assist, educate, and advocate for injured employees. To recruit and retain such employees, OIEC must be a place where people are proud to work.

Supervisors within OIEC can influence motivation and serve as ethical role models.



Research supports that employees who know that they are working for a noble purpose can be expected to be loyal and dependable. In “Managing Business Ethics,” the authors note that “in a survey by a national opinion research firm, ethical corporate behavior, honest company communications, and respectful treatment ranked among employee’s five top ranked goals, before good pay, which was 11th on the list and job security, which ranked 14th.”

OIEC fosters a positive organizational culture and uses proven search and retention strategies to recruit, develop, and retain the best employees possible. To encourage employee involvement in decision making, OIEC has established a Policy Committee comprised of staff at various levels within the organization, to solicit, review and make recommendations for positive change. All employees at OIEC are encouraged to play a role in fostering a dynamic, positive culture.

Organizational Training and Employee Development.

- Training Committee. An agency training committee has been developed and consists of employees from all walks of OIEC with various skill sets. It is a multi-program committee created to design an agency training program. This Committee will also develop a more comprehensive career path for Ombudsman Assistants and Customer Service Representatives. Additionally, the Committee will coordinate Legal Services’ RSA training, including but not limited to Practical Skills Training. The training Committee is based out of San Antonio, which has been selected due to the growing number of work-related injuries in the area.
- New Employee Training. All new employees are required to participate in new employee training. Training courses are available on the Intranet and may include a course description page with prerequisite reading, the course itself, and helpful links. The training courses consist of slideshows, videos, or videos with a handout. Some courses include audio. All employees are also required to read the employee manual and take core training offered by OIEC and TDI, such as Ethics, Confidentiality, Preventing Sexual Harassment, and Workplace Conduct.
- Ethics Training. To underscore the value that OIEC places on ethics and to ensure that all employees understand and practice the highest ethical standards, OIEC provides ethical training to all employees. Further, OIEC created a “values statement” that defines the culture and values that define our organization which is available on the agency’s website. OIEC has established an Ethics Committee that provides a forum for the discussion of ethical dilemmas and their resolution and helps to disseminate information on ethical topics across the agency.
- Ombudsman Training Program. Ombudsman Associates participate in a year-long training program at the end of which they earn their type O3 workers’ compensation adjustor’s licenses and are reclassified as Ombudsman I. The training program for an Associate consists of training divided into two parts. In Part I (26 weeks) the Associates complete new employee orientation courses, classroom studies, customer services, and observation of activities. After completing Part I, the Associates enter Part II of the program. In Part II (also 26 weeks) the Associates begin conducting meetings with injured employees in preparation for dispute resolution hearings and assisting in proceedings, while being observed and evaluated by the Deputy Director of the Ombudsman Program (Senior Ombudsmen). During Part II, the Associates are



required to obtain their type 03 workers' compensation adjuster's licenses. Upon successful completion of the training program, Associates are eligible for a career ladder promotion to an Ombudsman I.

The Ombudsman I must have at least one year of workers' compensation experience as required by the Texas Labor Code §404.152. They participate in proceedings, assist injured employees to obtain supporting documentation and to appropriately and timely exchange evidence; maintain an index folder; and work closely with the Ombudsman Assistants to effectively assist injured employees. If an Ombudsman I was not previously an Associate, then the Ombudsman I must complete a 20-week training program during which time a type 03 workers' compensation adjuster's license must be obtained.

The Ombudsman II must have at least two years of workers' compensation experience. The Ombudsman II must maintain all of the requirements of an Ombudsman I and may be required to assist Team Supervisors and Deputy Directors in the training and mentoring of new OIEC staff.

All Ombudsmen assist with early intervention when injured employees request assistance. The goal of early intervention is for OIEC to contact injured employees early and assist them in resolving issues before they develop and go to a hearing.

Ombudsmen must remain current on continuing education requirements in order to maintain their type 03 workers' compensation adjuster's licenses. These credits are offered through Practical Skills Training conducted by the RSAs and the annual conferences. Additional training is provided through monthly teleconferences and individual training based upon management recommendation.

- Practical Skills Training Program. The Practical Skills Training Program is designed to help the Ombudsmen refine their skills in assisting injured employees in proceedings before TDI. At least three different practical skills training courses are offered by the RSAs each year. The training is delivered in six regional locations across the State, and the Ombudsmen receive continuing education credits for participating in the training, which helps them fulfill the requirements for maintaining their type 03 workers' compensation adjuster's licenses.

The courses are designed to give practical, useful information to the Ombudsmen, which they can immediately implement into the performance of their job duties. There is a lecture and discussion component at each training session. In addition, written material is prepared to provide more detailed resource material than can be presented in a lecture. The written materials from each practical skills training is posted on OIEC's intranet for future reference. Finally, each practical skills training includes some practical application of the material to test the participants knowledge of the subject matter covered in the training. Those exercises provide an excellent opportunity to provide feedback from the trainer and the participants and a chance to have a little fun, which plays a significant role in team building.

- Customer Service Representative (CSR) Training. A comprehensive training program is provided to each CSR as they are hired so that they will have the information necessary to respond accurately and promptly to the issues that injured employees bring to them.



Training manuals with copies of the workers' compensation Act and Rules are provided to each CSR with the requirement that they be conversant with the information contained therein. Requirements include completing workers' compensation modules and reviewing the agency website links to provide for ongoing educational and procedural presentations, including instructions on the use of Compass and TXComp (workers' compensation automation systems). A monthly review of Appeals Panel's decisions is also required, as they provide interpretations of the Act and Rules and procedural clarifications.

Before being assigned to providing customer service to injured employees, CSRs are required to observe interaction between injured employees and Ombudsmen. In addition, new CSRs choose or are assigned a senior CSR or Ombudsman Associate or Assistant as a mentor for guidance and advice. They are also required to observe hearing preparation sessions, benefit review conferences and contested case hearings. Training exercises designed to help employees determine the questions to ask injured employees and the information needed should the injured employee's dispute proceed through TDI's administrative dispute resolution process. This extensive training is designed to produce employees who are well-equipped to provide exceptional customer service.

- Monthly Teleconferences. Monthly teleconferences are held to ensure OIEC staff stays abreast of information necessary to continue to effectively serve the injured employees of Texas. Teleconferences may be held for specific functions, such as Ombudsman or Customer Service Representatives, or as an agency as a whole. RSAs may make presentations on legal issues or presentations may be made on new legislation, policies, and procedures. The agency's training committee has the opportunity to request particular topics be included in the teleconferences and serves as the coordinator on agency education and training initiatives.
- Annual OIEC Conference. OIEC's conference is held each year in July for all OIEC staff to come together in one place. The conference generally lasts 2½ days. Since OIEC staff is located throughout Texas, the conference provides an opportunity to get to know each other - providing a face with a name, building OIEC's network, and increasing agency relations to overcome geographical barriers among OIEC's 25 locations.

Training sessions are held that promote teamwork and ethics as well as provide information about other aspects of the agency that staff may not be familiar with. Breakout sessions developed and targeted to the employee's job duties are held on a variety of topics including current legislative activities, changes in workers' compensation laws and rules, and new agency policies and procedures. Information presented at the conference is designed to enhance the skills of staff and increase communication within the agency in order to provide excellent service to the injured employees of Texas. OIEC believes effective teamwork yields business efficiencies, which are required from State agencies supported by public funds.

In 2008, the conference will be held in Austin. In 2009, it will be held in San Antonio, which serves as the hub for OIEC's Training Committee.



- Policy Development Program. OIEC's Policy Development Program was initiated in an effort to better communicate and receive ideas from all employees. Recognizing the value and ideas of each employee, this program was designed to serve as a channel of communication for "great ideas."

While participation in this program is optional, all OIEC employees are encouraged to submit their ideas on how to improve OIEC, OIEC's policies or procedures, or work environment. OIEC's executive management team review the ideas or recommendations submitted monthly. Confidentiality of the employee who submitted the policy recommendations is being provided to encourage all OIEC employees to participate in providing suggestions to improve our agency.

- Performance Planning and Development System (PPDS). The PPDS is a system for providing regular performance evaluations for all OIEC employees. The primary purpose of the PPDS is to measure past job performance and work conduct in comparison with previously established standards. The PPDS evaluation provides supervisors the tools to develop an employee's performance, address performance that does not meet expectations, and handle performance problems in a manner that encourages individual responsibility for results. This system also presents an opportunity for the supervisor and the employee to look to the future and identify opportunities for the employee's growth and development. Performance evaluations do not guarantee an increase in compensation nor do they guarantee a contract for employment.

Within 30 days of hire or transfer to another position with different job requirements, supervisors provide the PPDS plan to the employee and discuss the performance measurements. After six (6) months, the supervisor provides an initial review and evaluation of the employee's performance. Thereafter, employees' PPDS reviews are performed annually from the date of the initial evaluation. PPDS evaluations may be conducted more often if necessary.

