

Office of Injured Employee Counsel (OIEC) Releases New Required Notice of Ombudsman Program

On 12/14/06, the OIEC released a memorandum, which mandates employers to post the new **Ombudsman Program Notice**. **This new notice is effective and enforceable 12/20/06**. All employers in the state of Texas are required to post it as indicated in Texas Labor Codes §404.153 and §404.154 and Rule §276.5. This Fund Brief explains this notice and requirements for posting.

Who are Ombudsmen?

They are representatives that work for the OIEC who assist injured workers with preparation for proceedings before the Division. The Ombudsman Notice explains their roles and provides injured workers with contact information on how to use this free service.

The Law

Texas Labor Codes §404.153 and §404.154 (below) outline the law behind this posting requirement and the repercussions for failure to comply.

“§ 404.154. PUBLIC INFORMATION. The office shall widely disseminate information about the ombudsman program.

§404.153. EMPLOYER NOTIFICATION; ADMINISTRATIVE VIOLATION.

(a) Each employer shall notify its employees of the ombudsman program in the manner prescribed by the office.

(b) An employer commits an administrative violation if the employer fails to comply with this section.”

Notice Requirements

Newly adopted **Rule§276.5** requires employers to do the following:

- Post the notice in the personnel office, if the employer has one, **and** in the workplace where each employee is likely to see it on a regular basis.
- Post the notice in English and Spanish or any other language common to the employer's employees.
- The notice shall be the text provided by the OIEC without any additional words or changes.

Where Can You Find the Notice?

Employers may download this notice from the OIEC website in the link below. Or, employers may call to request the notice from the OIEC at 1-866-393-6432.

http://www.oiec.state.tx.us/documents/Employer_Notice_of_O.pdf The notice is also available on the Fund Web site at <http://risk.tasb.org>

Questions? Contact Stacy.Hobbs@tasb.org or at 800-482-7276, ext. 7233.





OFFICE OF INJURED EMPLOYEE COUNSEL

As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is a state agency that is responsible for assisting injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-EZE-OIEC (1-866-393-6432). More information about OIEC and its Ombudsman Program is available at the agency's website (www.oiec.state.tx.us).

OMBUDSMAN PROGRAM

WHAT IS AN OMBUDSMAN?

An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has a workers' compensation adjuster's license and has completed a comprehensive training program designed specifically to assist you with your dispute.

If you have a proceeding scheduled before the Texas Department of Insurance, Division of Workers' Compensation, an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with your appeal and response to insurance carrier appeals.



OFFICE OF INJURED EMPLOYEE COUNSEL

Como empleado lesionado en Texas, usted tiene el derecho de recibir ayuda gratis por parte de La Oficina de Asesoría Pública para el Empleado Lesionado (OIEC, por sus siglas en inglés) la cual es una agencia estatal que ayuda a empleados lesionados que tienen un reclamo en el sistema de compensación para trabajadores.

Usted puede llamar a nuestro número de teléfono gratuito al 1-866-EZE-OIEC (1-866-393-6432) Para mayor información sobre OIEC y su programa del Ombudsman, por favor visite nuestra página de Internet www.oiec.state.tx.us.

PROGRAMA DEL OMBUDSMAN

¿QUÉ ES UN OMBUDSMAN?

Un ombudsman es un empleado de OIEC que puede ayudarlo si usted tiene alguna disputa con el seguro de compensación de su empleador. La ayuda que presta el ombudsman es gratis. Cada ombudsman tiene licencia de ajustador y un entrenamiento comprensivo y completo designado específicamente para ayudarlo con su disputa.

Si usted ya tiene un procedimiento fijado con el Departamento de Seguros de Texas, División de Compensación para Trabajadores un ombudsman puede:

- Ayudarlo a prepararse para el procedimiento (una Conferencia para Revisión de Beneficios o una Audiencia para Disputar Beneficios);
- Asistir al procedimiento con usted y comunicarse con la División en su nombre; y
- Además puede ayudarlo a apelar una decisión y responder a apelaciones hechas por parte de la compañía de seguros.