

## 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](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](mailto:Stacy.Hobbs@tasb.org) or at 800-482-7276, ext. 7233.

