

***Law Offices of the Public Defender (LOPD)***  
***[Public Defender Department]***  
***Loss Prevention & Control Plan***

**Version 1.0**

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**Law Offices of the Public Defender  
LOSS PREVENTION & CONTROL PLAN  
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## **1.0 PURPOSE (Pursuant to NMAC 1.6.4.2 & 1.4.6.6)**

The purpose of this Loss Prevention and Control Plan (template) is to ensure that Loss Prevention and Control (State Loss Prevention and Control Program rule NMAC 1.6.4) is an integral part of the agencies' business function. The execution of this plan is consistent with workplace health and safety requirements, employment-related civil rights, and applicable regulations. All divisions within the Law Offices of the Public Defender are obligated to the requirements of this plan.

*NOTE: As provided by NMAC 1.6.4.8(E), this Loss Prevention and Control Plan template may be used by each agency as guidance in drafting an agency specific Loss Prevention and Control Plan.*

LOPD is compliant with the NMAC 1.6.4 Rule for the prevention and control of insurable losses.

LOPD assures that LPC activities are an integral part of the agency function (including training as required to accomplish this goal (Appendix D)).

LOPD assures that safety and LPC activities are a priority for line management & that reporting is performed in accordance with this responsibility.

LOPD assures the development of a LPC plan (incorporated herein), and has appointed knowledgeable and experienced LPC personnel (Appendix B & B.1).

LOPD assures compliance to the NMAC 1.6.4 rule, and understands that the failure to comply with NMAC 1.6.4 may be reported in the Annual Report of Risk Management (as presented to the NM State Legislature and the Governor of NM. LOPD also acknowledges the potential increased adjustments to insurance premium rates based on a determination of non-compliance.

## **2.0 DEFINITIONS (Pursuant to NMAC 1.6.4.7)**

The LOPD Loss Prevention and Control Program definitions are as defined in NMAC 1.6.4 (Appendix A).

LOPD acknowledges the definition of Loss Prevention and Control as a managerial system or systems intended to identify potential or actual loss situations, and the implementation of a strategy or strategies to prevent or manage losses.

LOPD works to achieve reductions in the frequency and costs associated with losses, and the elimination of the causes which allow the losses to occur.

LOPD acknowledges loss situations to include bodily injury, death, property damage, employment-related civil rights violations, or other types of potential or actual liability covered under insurance or self-insurance programs.

### **3.0 CREATION OF A LOSS PREVENTION AND CONTROL PROGRAM (Pursuant to NMAC 1.6.4.8)**

LOPD plan is created pursuant to NMAC 1.6.4 (Appendix A).

LOPD, pursuant to NMAC 1.6.4, has appointed a Loss Prevention and Control Coordinator (Appendix B & B.1), with duties and responsibilities as defined in NMAC 1.6.4.

LOPD, pursuant to NMAC 1.6.4, has appointed a Loss Prevention and Control Committee (Appendix B.1), with duties and responsibilities as defined in NMAC 1.6.4.

LOPD has established self-inspection and audit procedures, pursuant to NMAC 1.6.4 (Appendix C & C.1).

LOPD has established incident loss investigation, recordkeeping, and reporting procedures, pursuant to NMAC 1.6.4 (Appendix E).

Law Offices of the Public Defender has established claims analysis and management procedures, pursuant to NMAC 1.6.4 (Appendix F).

Law Offices of the Public Defender has established LPC education/training, pursuant to NMAC 1.6.4 (Appendix G).

Law Offices of the Public Defender has established employee job orientation and training programs, pursuant to NMAC 1.6.4 (Appendix H).

Law Offices of the Public Defender has implemented safety and LPC initiatives, pursuant to NMAC 1.6.4 (Appendix I).

Law Offices of the Public Defender has implemented workplace Alternative Dispute Resolution (ADR)\* and mediation program initiatives, pursuant to NMAC 1.6.4 (Appendix J).

Law Offices of the Public Defender acknowledges the potential increase in insurance premium assignment based on the nature and volume of claim activity, and the determination of any agency negligence attached to the activity.

Law Offices of the Public Defender acknowledges the use of all NM forms and processes defined for Workers' Compensation, Civil Rights, Property, and Casualty claims and/or losses.

Law Offices of the Public Defender has appointed an ADR Coordinator and this appointment also serves on the LPC Committee (Appendix B.1)

Law Offices of the Public Defender has provided employment-related civil rights training (at least annually) to Directors, Deputy Directors, Bureau Chiefs, and any supervisory capacity, pursuant to NMAC 1.6.4 (Appendix J.1). **NOTE: The civil rights training dynamic is non-prescriptive, and there are many ways to meet the intent of this requirement (Agency specific).**

Law Offices of the Public Defender has submitted this plan (including appointments as cited in the relevant Appendix) to the NM State Loss Control Manager (LCB Chief).

Law Offices of the Public Defender acknowledges the requirement to submit any changes (in writing) to the NM State Loss Control Manager.

Law Offices of the Public Defender understands that the failure to execute this plan (pursuant to NMAC 1.6.4) will result in notification (in writing) to the Agency Head (.CC to GSD Cabinet Secretary and GSD/RMD director).

***\*Alternative Dispute Resolution (ADR) means a voluntary process (other than litigation), used to prevent or resolve disputes, as defined in the New Mexico Governmental Dispute Prevention and Resolution Act of 2007 [NMSA 1978, § 12-8A]. ADR encompasses a broad range of problem-solving processes, the most common of which are mediation, facilitation, and arbitration. These processes are most effective when offered early, in a confidential and neutral manner. The Act requires that state agencies provide access to ADR, which may be achieved through an internal process, by contracting for professional services, or through external programs. The Act also establishes a state Office (the RMD ADR Bureau). This office can help state agencies identify resources and coordinate no-cost services (e.g., through access to trained and certified workplace mediators), and can assist in the development of ADR programs, strategies, and staff training.***

***Pursuant to the Act, an agency head may designate an ADR Coordinator. If designated, the Act then defines certain duties and responsibilities. Formal inclusion of the ADR Coordinator in the agency's Loss Prevention and Control Committee can greatly assist the agency's combined cost-avoidance efforts (particularly in employment-related civil rights liability), and may satisfy the requirement set forth in the rule [1.6.4.8.B.(9) NMAC]***

#### **4.0 LOSS PREVENTION AND CONTROL COORDINATOR DUTIES (Pursuant to NMAC 1.6.4.9)**

The Law Offices of the Public Defender Loss Prevention and Control Coordinator duties are as defined in NMAC 1.6.4 (Appendix A).

Law Offices of the Public Defender has appointed an LPC Coordinator (Appendix B) for the Agency, Agency Divisions, and applicable field locations (include additional appointments in Appendix B.1).

Law Offices of the Public Defender assures that the LPC Coordinator reports to the Chief Public Defender on all matters pertaining to the management of the Law Offices of the Public Defender Loss Prevention and Control Program (including environmental, health, and safety, employment-related civil rights issues, and other matters of potential or actual liability within the agency).

Law Offices of the Public Defender has reported all required information to the NM State Loss Control Manager (LC Bureau Chief), including the meeting minutes from quarterly Loss Prevention and Control Committee meetings, within 30 days of occurrence (Appendix K).

#### **5.0 LOSS PREVENTION AND CONTROL COMMITTEE DUTIES (Pursuant to NMAC 1.6.4.10)**

The Law Offices of the Public Defender Loss Prevention and Control Committee duties are as defined in NMAC 1.6.4 (Appendix A).

Law Offices of the Public Defender assures the LPC Committee appointments represent all major components of the Law Offices of the Public Defender (Appendix B.1).

Law Offices of the Public Defender assures the LPC Committee election of a chairperson and secretary (Appendix B.1).

Law Offices of the Public Defender conducts quarterly LPC Committee meetings as required (Appendix K).

Law Offices of the Public Defender convenes special meetings at the discretion of the Committee Chair or a majority of LPC Committee members (Appendix K).

Law Offices of the Public Defender LPC Committee meeting minutes are approved and signed by the Chief Public Defender (or designee), are distributed to all LPC Committee members, and are delivered to the NM State Loss Control Manager (within 30 days of occurrence, Appendix K).

## **6.0 SELF-INSPECTION AND AUDIT EQUIREMENTS (Pursuant to NMAC 1.6.4.11)**

The Law Offices of the Public Defender Loss Prevention and Control Self-Inspection and Audit requirements are as defined in NMAC 1.6.4 ([Appendix A](#)).

Law Offices of the Public Defender has developed self-inspection checklists (pursuant to NMAC 1.6.4) that are directed at the specificity of agency function ([Appendix C](#)).

Law Offices of the Public Defender acknowledges that all documented self-inspection activities and records may be subject to RMD review (pursuant to 15-7-3(A)(8) NMSA 1978) and RMD consultation (pursuant to 15-7-3(A)(11) NMSA 1978).

Law Offices of the Public Defender acknowledges (as permitted by law) that all documented self-inspection activities and records may be subject to review by (or protected from disclosure to) regulatory authorities or other entities or parties as permitted by law (and subject to the provisions and exceptions of the NM Inspection of Public Records Act).

## **7.0 INCIDENT AND LOSS INVESTIGATION (Pursuant to NMAC 1.6.4.12)**

The Law Offices of the Public Defender Loss Prevention and Control Incident and Loss Investigation requirements are as defined in NMAC 1.6.4 ([Appendix A](#)).

Law Offices of the Public Defender has established and implemented procedures for in-depth investigation, analysis, and evaluation of incidents and losses ([Appendix L](#)).

Law Offices of the Public Defender acknowledges that all investigative actions and reports pursuant to NMAC 1.6.4 are supplementary to (and do not replace) actions and reports required to comply with NM and Federal laws, insurance, or other mandatory requirements.

## **8.0 LOSS PREVENTION AND CONTROL TRAINING (Pursuant to NMAC 1.6.4.13)**

The Law Offices of the Public Defender Loss Prevention and Control Training requirements are as defined in NMAC 1.6.4 ([Appendix A](#)).

Law Offices of the Public Defender has established Loss Prevention and Control training programs consistent with Federal OSHA, NM OSHA, and other applicable regulatory requirements.

Law Offices of the Public Defender has established training programs attached to employment-related civil-rights.

Law Offices of the Public Defender acknowledges Federal law (including Title VII of the Civil Rights Act), NM State law (including the Human Rights Act/Sections 28-1-1 and following NMSA 1978), and other applicable laws and regulations for the protection against civil rights violations on the job.

Law Offices of the Public Defender provides training for civil rights provisions, pursuant to NMAC 1.6.4.13(E)(F).

**9.0 JOB-RELATED INJURY OR ILLNES CLAIMS MANAGEMENT  
(Pursuant to NMAC 1.6.4.14)**

The Law Offices of the Public Defender Loss Prevention and Control Job-Related Injury/Illness Claims Management requirements are as defined in NMAC 1.6.4 (Appendix A).

Law Offices of the Public Defender has established a Workers' Compensation Claims Management Policy and has implemented programs that are compliant to relevant laws and regulations, executive orders, the Workers' Compensation Administration (WCA), and State safety and loss prevention and control initiatives (pursuant to NMAC 1.6.4.14) (Appendix M).

**10.0 RISK MANAGEMENT DIVISION AGENCY LOSS PREVENTION AND CONTROL  
PLAN AUDIT (Pursuant to NMAC 1.6.4.15)**

The Law Offices of the Public Defender Loss Prevention and Control Risk Management Division Agency Loss Prevention and Control Plan Audit requirements are as defined in NMAC 1.6.4 (Appendix A).

Law Offices of the Public Defender responds to all RMD audit findings within 30 days (citing corrective actions).

NOTE: Response must be submitted by the Agency Head (Appendix N).

**NOTE: Insert all audit findings, agency responses and LCB trip reports.**



**11.0 LOSS PREVENTION AND CONTROL PROGRAM EXEMPTION REQUIREMENTS**  
**(Pursuant to NMAC 1.6.4.16)**

The Law Offices of the Public Defender Loss Prevention and Control Program Exemption requirements are as defined in NMAC 1.6.4 (Appendix A).

*NOTE: Agency specific Loss Prevention and Control Plans must meet the minimum requirements of NMAC 1.6.4. Any additions (specific to the agency) beyond the minimum requirements of the NMAC 1.6.4 rule are at the discretion of the agency.*

[AGENCY] has submitted a written request for exemption (pursuant to NMAC 1.6.4.16/Appendix O).

[AGENCY] has received an exemption request response from the RMD Director (acceptance or denial/Appendix O).

**Law Offices of the Public Defender is obligated to NMAC 1.6.4, and has NOT requested an exemption.**

[AGENCY] has been granted an exemption (pursuant to NMAC 1.6.4.16).

*NOTE: Do not populate AGENCY field with AGENCY NAME if you do not have an exemption.*

**12.0 APPROVAL**

 _____ [AGENCY HEAD SIGNATURE]	 _____ [DATE]
 _____ [AGENCY LOSS PREVENTION & CONTROL COORDINATOR]	 _____ [DATE]