



NEW MEXICO
LAW OFFICES OF THE
PUBLIC DEFENDER

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

Version 1.0

05/01/2023

Law Offices of the Public Defender (LOPD)
LOSS PREVENTION & CONTROL PLAN
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1.0 SCOPE (Pursuant to NMAC 1.6.4.2)

The Purpose of this Loss Prevention and Control Plan is to ensure that Loss Prevention and Control (NMAC 1.6.4 rule) is an integral part of the Law Office of the Public Defender's business function. This rule supersedes and replaces all regulations and directives for conflicting Loss Prevention and Control Programs. All units, departments, and offices within the Law Offices of the Public Defender are obligated and must comply with these rules; no exemptions will be made.

2.0 OBJECTIVE (Pursuant to NMAC 1.6.4.6)

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

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

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

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

- Update following upcoming committee appointments.

The LOPD assures developed and uniform loss control reporting procedures for the agency and its personnel.

The LOPD assures compliance with the NMAC 1.6.4 rule and understands that non-compliant agencies may be reported to the appropriate bodies, and acknowledges adjusting risk premium rates of non-compliant agencies.

The LOPD assures compliance with 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.

3.0 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).

- Agency or state agency:** Any department, agency, branch, board, instrumentality, or institution of New Mexico state government.
- Committee:** An agency loss prevention and control committee.

- C. **Loss prevention and control:** Any 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.
- D. **Loss prevention and control coordinator:** The agency's loss prevention and control coordinator.
- E. **RMD:** The risk management division of the general services department.
- F. **State loss control manager:** The state loss control manager at RMD (see Paragraph (10) of Subsection A of Section 15-7-3 NMSA 1978)
- G. **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.

4.0 LOSS PREVENTION AND CONTROL PROGRAM (Pursuant to NMAC 1.6.4.8)

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

The **LOPD** program will include coordination of all agency LPC activities and any LPC services administered by RMD.

THE LOPD has submitted this plan (and will include appointments as cited in the relevant Appendix) to the NM State Loss Control Manager.

The LOPD acknowledges The state loss control manager must report any agency that fails to adopt an agency LPC plan to the agency head, secretary of the GSD, and director of RMD.

The LOPD understands if the RMD director determines the agency fails to comply with the rule, the director shall notify the agency head.

The LOPD acknowledges 30 days to cure any deficiencies.

The LOPD acknowledges failure to execute this plan will result in the director, after consultation with the secretary of GSD, adjusting coverage premiums paid by non-compliant entities for the following plan year to reflect the increased risk profile of the entity.

5.0 LOSS PREVENTION AND CONTROL COORDINATOR (Pursuant to NMAC 1.6.4.9)

The LOPD Loss Prevention and Control Coordinator (LPCC) duties are defined within NMAC 1.6.4 (Appendix A).

The LOPD has appointed an LPC Coordinator (Appendix B) for the Agency, Agency Divisions, and applicable field locations (include additional appointments in Appendix B).

The LOPD shall submit the individual's name to RMD and inform the state loss control manager of appointment changes.

The LOPD 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).

The LOPD 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).

The LOPD acknowledges that they appoint one of the following persons as LPCC: deputy agency head, agency financial chief officer, agency general counsel, division director, or senior supervisory employee approved by RMD.

The LOPD LPCC shall report to the agency head on matters pertaining to the loss prevention and control program, safety, employment-related civil rights issues, and other potential or actual exposures.

The LOPD LPCC shall liaise with the state loss control manager and RMD.

The LOPD LPCC shall establish, interpret, and apply LPC procedures.

The LOPD LPCC shall monitor LPC training, incident investigation, and program progress.

The LOPD LPCC shall chair the agency safety committee.

The LOPD LPCC shall chair the agency LPC committee.

6.0 LOSS PREVENTION AND CONTROL COMMITTEE (Pursuant to NMAC 1.6.4.10)

The LOPD Loss Prevention and Control Committee's duties are as defined in NMAC 1.6.4 (Appendix B).

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

The LOPD acknowledges and assures the appointing authority shall appoint division directors, bureau chiefs, section or unit heads, and other senior supervisory employees.

The LOPD acknowledges committees should hold a meeting at least quarterly.

The LOPD acknowledges agency head or chairperson may convene special meetings (Appendix C).

The LOPD acknowledges the LPC committee shall define an annual agency LPC plan (Appendix D.1).

The LOPD acknowledges the LPC committee shall meet quarterly to assess the implementation of the LPC plan (Appendix D.2).

The LOPD acknowledges the LPC committee shall report the status of the LPC program (Appendix D.3).

The LOPD acknowledges the LPC committee shall perform any functions the chairperson considers useful and appropriate (Appendix D.4).

7.0 INCIDENT AND LOSS INVESTIGATION (Pursuant to NMAC 1.6.4.11)

The LOPD LPC Incident and Loss Investigation requirements are defined in NMAC 1.6.4 (Appendix A).

The LOPD will establish and implement procedures for in-depth investigation, analysis, and evaluation of incidents and losses (Appendix L)

The LOPD acknowledges procedures shall provide that incidents and loss be thoroughly investigated by the supervisory person most immediately responsible for the operation in which the loss occurred.

The LOPD acknowledges investigations pertinent to all job-related injury or illness will become part of the injury and illness claim record (Appendix B).

The LOPD 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 New Mexico and Federal laws, insurance, or other mandatory requirements. (Appendix C).

8.0 LOSS PREVENTION AND CONTROL TRAINING (Pursuant to NMAC 1.6.4.12)

The LOPD LPC Training requirements are as defined in NMAC 1.6.4 (Appendix A).

The LOPD shall provide position-appropriate safety training, LPC training, workers' compensation training, and employment-related civil rights training to all employees.

The LOPD shall establish Loss Prevention and Control training programs consistent with Federal OSHA, NM OSHA, and other applicable regulatory requirements.

The LOPD acknowledges supervisors shall discuss LPC policies, procedures, and strategies with employees individually and during group sessions.

The LOPD acknowledges all employees shall be trained safely and correctly to perform their jobs.

The LOPD shall provide training on occupational health and safety laws and regulations to all employees as appropriate to job function.

The LOPD shall provide training on employment-related civil rights to supervisors and managers.

The LOPD assures training on Federal and State Civil Rights law, including Title VII of the Civil Rights Act and the New Mexico Human Rights Act.

The LOPD has established training programs attached to employment-related civil rights.

The LOPD 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.

The LOPD provides training for civil rights provisions, pursuant to NMAC 1.6.4.13(E)(F).

9.0 JOB-RELATED INJURY OR ILLNESS CLAIMS MANAGEMENT (Pursuant to NMAC 1.6.4.13)

The LOPD LPC Job-Related Injury/Illness Claims Management requirements are as defined in NMAC 1.6.4 (Appendix A).

The LOPD shall adopt a Workers' Compensation Claims Management procedure approved by RMD and assure compliance with all relevant laws, regulations, policies directives, and guidance.

The LOPD has established a Workers' Compensation Claims Management Policy and has implemented programs that are compliant with 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).

The LOPD shall have written procedures for workers' compensation claims management.

The LOPD shall have written procedures for early return to work for workers.

The LOPD shall have written procedures for new employee orientation programs that include job safety and workers' compensation.

The LOPD shall have written policies providing training and methods as they apply to job-related injury or illness training, appropriate to each supervisor, on the supervisor's responsibilities regarding job-related injuries and workers' compensation claims.

The LOPD shall have written policies providing training and methods as they apply to job-related injury or illness methods for record keeping and filing job-related injury and illness claims.

The LOPD acknowledges claims records retained by agencies and submitted to the RMD shall contain the mandatory documents: notice of accident, employers' first report of injury or wellness, and authorization to release medical information.

The LOPD acknowledges claims records retained by agencies and submitted to the RMD shall contain other records, documents, statements, and evidence appropriate to the claim.

The LOPD acknowledges policies required by this rule shall address injured employee responsibilities.

The LOPD acknowledges policies required by this rule shall address employee responsibilities.

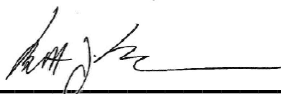
The LOPD acknowledges that policies required by this rule shall address identifying job roles and modifying job functions to accommodate a worker placed on restricted or modified work statutes and procedures and authorities to implement this program.

The LOPD acknowledges that policies required by this rule shall address implementing controls to reduce the likelihood of job-related injuries to illnesses reoccurring.

The LOPD shall be made to implement an early return to work program that includes, at a minimum, the requirements of Section 52-1-25.1 NMSA 1978.

The LOPD acknowledges vacant positions resulting from job-related injuries or illness shall not be filled, except by temporary employment, unless provided for elsewhere by law.

10.0 APPROVAL



12/28/2023

CHIEF PUBLIC DEFENDER SIGNATURE

DATE

Richard Pacheco

12/20/23

LOPD LOSS PREVENTION & CONTROL COORDINATOR SIGNATURE

DATE

LIST OF APPENDICES

APPENDIX A:

NMAC 1.6.4 RULE, STATE LOSS PREVENTION AND CONTROL PROGRAM

APPENDIX B:

AGENCY LOSS PREVENTION AND CONTROL COORDINATOR APPOINTMENT LETTER

APPENDIX B. 1:

AGENCY LOSS PREVENTION CONTROL COMMITTEE MEMBERS

APPENDIX C:

SELF-INSPECTION CHECKLISTS (FOR USE AND/OR GUIDANCE)

APPENDIX C. 1:

SELF-INSPECTION AUDIT PROCESS

APPENDIX D:

AGENCY LOSS PREVENTION CONTROL ACTIVITIES AND TRAINING

APPENDIX E:

AGENCY INCIDENT INVESTIGATION, RECORDKEEPING, & REPORTING

APPENDIX F:

AGENCY CLAIMS ANALYSIS & MANAGEMENT PROCEDURES

APPENDIX G:

AGENCY LOSS PREVENTION CONTROL EDUCATION AND TRAINING REQUIREMENTS

APPENDIX H:

JOB ORIENTATION AND OTHER TRAINING

APPENDIX I:

AGENCY LOSS PREVENTION CONTROL INITIATIVES

APPENDIX J:

AGENCY LOSS PREVENTION CONTROL COMMITTEE MEETING MINUTES

APPENDIX K:

INVESTIGATION, ANALYSIS, & EVALUATION OF INCIDENTS, & LOSSES

APPENDIX L:

Workers' Compensation (WC) Claims Record Information

APPENDIX M:

Alternative Dispute Resolution (ADR)

APPENDIX A **NMAC 1.6.4**

State Loss Prevention and Control Program Rule

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 6 RISK MANAGEMENT
PART 4 STATE LOSS PREVENTION AND CONTROL PROGRAM

1.6.4.1 ISSUING AGENCY: General Services Department (GSD) Risk Management Division (RMD).
[1.6.4.1 NMAC - Rp, 1.6.4.1 NMAC, 12/11/2018]

1.6.4.2 SCOPE: Unless otherwise provided by law, this rule applies to all state agencies, including elected officials and institutions of higher learning. This rule supersedes and replaces all rules and directives for conflicting loss prevention and control programs. State agencies must comply with this rule; no exemptions will be granted.
[1.6.4.2 NMAC - Rp, 1.6.4.2 NMAC, 12/11/2018]

1.6.4.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Paragraph (9) of Subsection A of Section 15-7-3 NMSA 1978 which empowers the risk management division to initiate safety program establishment and to adopt regulations for effective implementation of safety programs and Subsection E of Section 9-17-5 NMSA 1978 which empowers the secretary of the general services department to adopt regulations to accomplish the duties of the department and its divisions.
[1.6.4.3 NMAC - Rp, 1.6.4.3 NMAC, 12/11/2018]

1.6.4.4 DURATION: Permanent.
[1.6.4.4 NMAC - Rp, 1.6.4.4 NMAC, 12/11/2018]

1.6.4.5 EFFECTIVE DATE: December 11, 2018, unless a later date is cited at the end of a section or paragraph.
[1.6.4.5 NMAC - Rp, 1.6.4.5 NMAC, 12/11/2018]

1.6.4.6 OBJECTIVE: The objectives of this rule 1.6.4 NMAC are to:

- A. prevent and control insurable losses in state government;
- B. integrate loss prevention and control activities into state agency operations and culture;
- C. establish systematic safety and loss prevention and control mechanisms within state agencies;
- D. develop uniform loss control reporting procedures for state agencies; and
- E. assure compliance with this rule by reporting non-compliant agencies to the appropriate oversight bodies and by adjusting risk premium rates of non-compliant agencies.

[1.6.4.6 NMAC - Rp, 1.6.4.6 NMAC, 12/11/2018]

1.6.4.7 DEFINITIONS: The following definitions apply in this rule:

- A. **Agency or state agency:** Any department, agency, branch, board, instrumentality, or institution of New Mexico state government.
- B. **Committee:** An agency loss prevention and control committee.
- C. **Loss prevention and control:** Any 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.
- D. **Loss prevention and control coordinator:** The agency's loss prevention and control coordinator.
- E. **RMD:** The risk management division of the general services department.
- F. **State loss control manager:** The state loss control manager at RMD (see Paragraph (10) of Subsection A of Section 15-7-3 NMSA 1978).

[1.6.4.7 NMAC - Rp, 1.6.4.7 NMAC, 12/11/2018]

1.6.4.8 LOSS PREVENTION AND CONTROL PROGRAM:

- A. The state loss prevention and control program is created. The program includes coordination of all agency loss prevention and control activities and any loss prevention and control services administered by RMD.

B. Each agency shall develop an annual loss prevention and control plan using a method approved by RMD, and submit a copy of its loss prevention and control plan to the state loss control manager within 60 days of the adoption of the state loss prevention and control plan, and must inform the state loss control manager of any program change

C. The state loss control manager shall report any agency that fails to adopt an agency loss prevention and control plan to the agency head, to the secretary of the general services department, and the director of the risk management division.

D. If the RMD director determines that an agency has failed to substantially comply with this rule, the director shall notify the agency head. The Agency shall have 30 days to cure any deficiencies. If after such 30 days, the director determines that the agency has still failed to substantially comply with this provision, the director may, after consultation with the secretary of the general services department, adjust the coverage premiums paid by non-compliant entities for the following plan year to reflect the increased risk profile of the entity. Non-compliant entities may appeal any rate adjustment to the risk management advisory board.

[1.6.4.8 NMAC - Rp, 1.6.4.8 NMAC, 12/11/2018]

1.6.4.9 LOSS PREVENTION AND CONTROL COORDINATOR:

A. Each agency shall appoint a loss prevention and control coordinator no later than 60 days after the effective date of this rule. Each agency shall submit this individual's name to RMD and inform the state loss control manager of any appointment changes.

B. Each agency head shall appoint one of the following persons as loss prevention and control coordinator:

- (1) the deputy agency head;
- (2) the agency chief financial officer;
- (3) the agency general counsel;
- (4) a division director; or
- (5) a senior supervisory employee approved by RMD.

C. The loss prevention and control coordinator shall:

- (1) report to the agency head on matters pertaining to the loss prevention and control program, safety, employment-related civil rights issues, and other potential or actual exposures;
- (2) liaise with the state loss control manager and RMD;
- (3) establish, interpret, and apply loss prevention and control procedures;
- (4) monitor loss prevention and control training, incident investigations, and program progress;
- (5) chair the agency safety committee; and
- (6) chair the agency loss prevention and control committee.

[1.6.4.9 NMAC - Rp, 1.6.4.9 NMAC, 12/11/2018]

1.6.4.10 LOSS PREVENTION AND CONTROL COMMITTEE:

A. Each state agency shall establish a loss prevention and control committee.

B. Committee members may be appointed by the agency head or by the loss prevention and control coordinator. The appointing authority shall appoint division directors, bureau chiefs, section or unit heads, and other senior supervisory employees. All major components of an agency's organizational structure shall be represented on the agency committee.

C. Each committee should hold meetings at least quarterly. The agency head or chairperson may convene special meetings. Committee meetings may be incorporated into regular agency staff meetings and should address issues at all operational levels within the agency.

D. The loss prevention and control committee shall:

- (1) define an annual agency loss prevention and control plan;
- (2) meet quarterly to assess the implementation of the loss prevention and control plan;
- (3) report the status of the annual loss prevention and control program; and
- (4) perform any other functions the chairperson considers useful and appropriate.

[1.6.4.10 NMAC - Rp, 1.6.4.10 NMAC, 12/11/2018]

1.6.4.11 INCIDENT AND LOSS INVESTIGATION:

A. Each state agency shall establish and implement procedures for investigation, analysis, and evaluation of incidents and losses. The procedures shall provide that incidents and losses be thoroughly investigated by the supervisory person most immediately responsible for the operation in which the loss occurred, by an individual who has been trained to perform this type of work or both.

B. Investigations pertinent to an alleged job-related injury or illness and all necessary and supplemental documentation generated during an investigation will become a part of the injury or illness claim record.

C. Any investigations and reports prepared pursuant to this section are supplementary to and do not replace reports required to comply with state and federal laws, insurance, and other reporting requirements. [1.6.4.11 NMAC - Rp, 1.6.4.11 NMAC, 12/11/2018]

1.6.4.12 LOSS PREVENTION AND CONTROL TRAINING:

A. Each agency shall provide position-appropriate safety training, loss prevention and control training, worker's compensation training, and employment-related civil rights training to all employees.

B. Supervisors shall discuss loss prevention and control policies, procedures, and strategies with employees, individually and at group training sessions.

C. All employees shall be trained safely and correctly to perform their job functions as needed.

D. Agencies shall provide training on occupational health and safety laws and regulations to all employees as appropriate to job function.

E. Agencies shall provide training on employment-related civil rights to supervisors and managers.

F. Training on Federal and state civil rights laws, including Title VII of the Civil Rights Act and the New Mexico Human Rights Act (Sections 28-1-1 and following NMSA 1978), shall occur continuously.

[1.6.4.12 NMAC - Rp, 1.6.4.13 NMAC, 12/11/2018]

1.6.4.13 JOB-RELATED INJURY OR ILLNESS CLAIMS MANAGEMENT:

A. Each agency shall adopt a workers' compensation claims management procedure approved by RMD that complies with all relevant laws, regulations, policies, directives, guidance, and other requirements.

B. Each agency shall have written procedures for:

(1) workers' compensation claims management;

(2) early return to work for workers with job-related injuries or illnesses; and

(3) new employee orientation programs that include job safety and workers' compensation training.

C. Each agency shall have written policies providing for the following items, as they apply to job-related injury or illness claims:

(1) training, appropriate to each supervisor, on the supervisor's responsibilities regarding job-related injuries and workers' compensation claims;

(2) methods for record keeping and filing job-related injury and illness claims;

D. Claims records retained by agencies and submitted to the RMD shall contain the following:

(1) Mandatory documents:

(a) notice of accident (WCA form NOA-1, as may be amended);

(b) employer's first report of injury or illness (WCA form E1.2, as may be amended);

(c) Authorization to release medical information (WCA mandatory form, per Subparagraph (c) of Paragraph (2) of Subsection R of 11.4.4.9 NMAC, as may be amended);

(2) Other records, documents, statements, and evidence appropriate to the claim.

E. The policies required by this rule shall address:

(1) injured employee responsibilities - At a minimum, injury reporting procedures, administration and documentation details, and compliance with the medical treatment plan;

(2) employer responsibilities - At minimum, job-related injury or illness reactive procedures, contact protocol, employer involvement in all phases of job-related injury or illness claim management, and accountability measures;

(3) identifying job roles and modifying job functions to accommodate a worker placed on restricted or modified work status and procedures and authorities to implement this program;

(4) implementing controls to reduce the likelihood of job-related injuries or illnesses reoccurring.

F. Every effort shall be made to implement an early return to work program that includes, at a minimum, the requirements of Section 52-1-25.1 NMSA 1978. No state employee shall be terminated from employment because of a job-related injury or illness or because of physical circumstances resulting from a job-related injury or illness unless the state agency has provided advance notice to RMD.

G. Vacant positions resulting from job-related injuries or illnesses shall not be filled, except by temporary employment, unless provided for elsewhere by law.

(1) A position may be permanently filled if there is documented medical diagnosis or evidence that an employee with a job-related injury or illness has reached maximum medical improvement or that the employee's impairment or condition is permanent and that the employee cannot perform the essential functions of the particular job.

(2) A position may be permanently filled if there is a critical need and that need cannot be satisfied with temporary employment, and the agency has made a "good faith" effort to do so, and the other provisions of this rule have been satisfied.

[1.6.4.13 NMAC - Rp, 1.6.4.14 NMAC, 12/11/2018]

1.6.4.15 and 1.6.4.16 [RESERVED]

HISTORY OF 1.6.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and archives as:

GSD 84-703 State Loss Control Program, 4/4/1984;

GSD 86-703 State Loss Control Program, 6/30/1986; and

GSD 91-703 State Loss Control Program, 11/14/1991.

History of Repealed Material: 1.6.4 NMAC, State Loss Control Program (filed 9/01/2004) repealed 7/1/2007.

1.6.4 NMAC, State Loss Prevention and Control Program (filed 5/15/2007) repealed 12/11/2018.

Other History:

GSD 91-703 State Loss Control Program (filed 11/14/1991) was reformatted and renumbered to 1.6.4 NMAC, State Loss Control Program, to comply with the current NMAC requirements, effective 9/15/2004.

1.6.4 NMAC, State Loss Control Program (filed 9/1/2004) was replaced by 1.6.4 NMAC, State Loss Prevention and Control Program, effective 7/1/2007.

1.6.4 NMAC, State Loss Control Program (filed 5/15/2007) was replaced by 1.6.4 NMAC, State Loss Prevention and Control Program, effective 12/11/2018.

APPENDIX B
Law Offices of the Public Defender
Loss Prevention and Control Coordinator
Appointment Letter



NEW MEXICO
**LAW OFFICES OF THE
PUBLIC DEFENDER**
Chief Public Defender
Bennett J. Baur

Date: 08/30/2023
Markita Sanchez
Deputy Director, Risk Management Division
General Services Department
PO Box 6850
Santa Fe, NM 87502

Dear Deputy Director Sanchez,

Pursuant to Rule 1.6.4 NMAC, *State Loss Prevention and Control Program*, the The Law Offices of the Public Defender hereby designates the following individual to serve in the capacity of the Loss Prevention and Control Coordinator.

Name of Designee: Richard Pacheco
Position/Title: Safety and Loss Control Coordinator
State Agency/Entity: The Law Offices of the Public Defender
Address: 301 N. Guadalupe, Suite 101
City, State, Zip: Santa Fe, New Mexico 87501
Phone Number: (505) 395-2818 ext. 10808
Email Address: Richard.pacheco@lopdnm.us

This appointment is effective as of August 30, 2023, and will remain in effect until aforementioned individual is formally relieved of these duties.

Sincerely,

Bennett J. Baur
Chief Public Defender
The Law Offices of The Public Defender

APPENDIX B.1

Law Offices of the Public Defender (LOPD)

Loss Prevention and Control Committee and Safety Committee Members

Safety and Loss Control Coordinator: Richard Pacheco

Office	LPCC/Safety Members	Suggested Designee
Alamogordo	Michelle Haley	
Albuquerque 505 Marquette	Veronica Rosales	
1 st Floor		Stephanie La-Paz Johnson
8 th Floor		Rose Holguin-Parra
10 th Floor		Juanita Maldonado
12 th Floor		Melissa Denetdale
17 th Floor		Marisa Salazar
Albuquerque CCLS	Monica Cruz	
Aztec	Matthew Cockman	Susan Crook
Carlsbad	Susan Hernandez	
Clovis	Melisa Fondrick	Tiffani Lopez
Gallup	Deanne Silva	
Hobbs	Mayra Gallardo	
Las Cruces	Jana Padilla	
Portales	Melisa Fondrick	
Roswell	Ana Cantu-Mata	
Ruidoso	Katina Slaughter	Ryan Parsons
Santa Fe 301 N. Guadalupe	Julie Ball	
Lower Level/Basement	Zac Olivas	
Upper Level-Trial		Kim Vigil
2 nd Floor -Admin		Judy Gonzales
2 nd Floor- Trial		Joey Fernandez
Santa Fe Appellate	Michelle Romero	
Taos	Mabel Pacheco	
Fiscal	Robert Cardon	Liliana Ornelas
Information Technology-I.T.	Matt Bevington	Calvin Martinez

APPENDIX C
Law Offices of the Public Defender (LOPD)
Loss Prevention and Control Program
Self-Inspection Checklists

Annual Inspection Training conducted

- TBA with District Defenders and Managing Attorneys
- TBA with Loss Prevention and Safety Committee members
- Annual Inspections will be conducted in all LOPD offices. See Appendix C.1

Code of Conduct

- TBA with District Defenders and Managing Attorneys
- TBA with Loss Prevention and Safety Committee members

Civil Rights

- The LOPD has not had a new EEOC or HRD complaint since November 2021!
- All LOPD employees are required to attend Civil Rights training at the time of hire during onboarding and annually moving forward.

Please refer to the LPCB Resources Library to access example inspection checklists

https://www.generalservices.state.nm.us/risk-management/loss-prevention-and-control/resources_2/

Attach Inspections Checklist

Basic Safety Checklist

1. Santa Fe- 301 N. Guadalupe

- a. Basement Level - Completed YES NO DATE 11/27/2023
- b. Lower Level - Completed YES NO DATE 10/11/2023
- c. Trial 2st Floor - Completed YES NO DATE _____
- d. Trial 3nd Floor - Completed YES NO DATE _____
- e. Admin 3rd Floor - Completed YES NO DATE _____

2. Appellate Santa Fe Office - Completed YES NO DATE _____

3. Alamogordo Office - Completed YES NO DATE _____

4. Albuquerque Office - Completed YES NO DATE _____

- a. 1st Floor - Completed YES NO DATE _____
- b. 8th Floor - Completed YES NO DATE _____
- c. 10th Floor - Completed YES NO DATE _____
- d. 12th Floor - Completed YES NO DATE _____
- e. 17th Floor - Completed YES NO DATE _____

5. Albuquerque CCLS Office - Completed YES NO DATE _____

6. Aztec Office - Completed YES NO DATE _____

7. Carlsbad Office - Completed YES NO DATE _____

8. Clovis Office - Completed YES NO DATE _____

9. Gallup Office - Completed YES NO DATE _____

10. Hobbs Office - Completed YES NO DATE _____

11. Las Cruces Office - Completed YES NO DATE _____

12. Portales Office - Completed YES NO DATE _____

13. Roswell Office - Completed YES NO DATE _____

14. Ruidoso Office - Completed YES NO DATE _____

15. Taos Office - Completed YES NO DATE _____

APPENDIX C.1
Law Offices of the Public Defender (LOPD)
Self-Inspection Audit Procedures

Extend to all agency operations as follows:

- All District Defenders and Managing Attorneys
 - Update here when completed
- All DDs and MAs were provided with an Inspection Plan, 4 checklists, assistance from LPCC and/or safety members, and an affidavit
 - Update here when completed
- Each office has at least one Safety Committee member
 - Update here when completed: Completed on 11/08/2023

Perform agency-wide inspection as often as needed, but at least semiannually

- Complete our first agency-wide inspection. Tentatively due 12/29/2023

Provide written reports for all unsatisfactory conditions

- The sheet will provide needs or concerns to address with each checklist documented.

Reports must include significant issues and/or loss potential (checklist may serve as a report)

- See above

Provide copies of all self-inspections and audits to the agency LPC Coordinator:

- Update here when completed

Repeat deficiencies/violations must be communicated to LPCC & agency head

- All deficiencies are being reported by the LPCC Coordinator to the Chief Public Defender during the weekly Executive Staff Meetings: TBD
- Summary report prepared for Chief TBD

Corrective actions and responsible authority must be identified

- Yes - noted on the report
- Written responses no later than 30 days from the notification requested

Documentation furnished to agency LPCC & maintained as records

- Copy in local Loss Prevention Binder and
- Maintained electronically by LPCC Coordinator

APPENDIX D
Law Offices of the Public Defender (LOPD)
Specific Agency LPC Activities & Training

The safety of our employees is considered a supervisory responsibility and all new supervisors and managers are trained on their safety responsibilities. Safety Minute training reminders are sent to staff periodically. The training for safety in the workplace for supervisors consists of the following items.

Conducting periodic fire drills, in which employees are instructed to meet at a pre-assigned location and roll call is checked.

- Training is under development and training dates are to be determined.

Enforcing employee use of the sign-out board or other reliable method.

- Training will be included on a Safety Minute as a Safety Device
- Need a safety minute on “safety devices” in an office setting TBD
- Included on the Unsafe Act and Unsafe Condition Safety Minute

Make sure visitors are escorted in our buildings and employees are wearing their identification badges (when necessary).

- Chief Public Defender determined that our employees will not wear identification badges while in LOPD buildings.
- Most LOPD employee areas have Open Path Card access, or Key Pad access or Key access and are not accessible to the public without escort.
- Only doors that are to remain unlocked and open for operational needs do not have secured access.

Making sure our building’s walkways are clear from ice and snow during the winter months and reporting problem areas to the proper personnel

- This is the responsibility of Office Managers/Admins and is being done.

Make sure that employees are not using candles or any open flames in offices.

- Included on the Unsafe Act/ Unsafe Condition Safety Minute

Make sure that employees are not overloading electrical plugs.

- Included on the Unsafe Act/ Unsafe Condition Safety Minute

Making sure items such as laptops, cell phones, and projectors, are secured.

- Practice is in place/ Policies and procedures for this are on the LOPD web page under Links and Policies and in Information and [Technology link](#)

Office safety includes ergonomic assessments

- Training to be provided by LPCC
- LPCC will conduct Ergonomic Assessment Training for LPC and Safety Committee members utilizing the GSD training available.

Use a "safety minute" at the end of a staff meeting to remind employees regarding proper lifting technique, using the sign-out board, and how to report safety concerns, or safety issues that were noticed since the last meeting.

- Safety Minute process is in place
- Safety Minutes are available on the website and are sent out periodically through email.

Conducting regular "walk around" workplace inspections of the office

- Need a safety minute on how and when to do a "walk around"

Learn/teach the difference between an unsafe act and an unsafe condition.

- Safety Minute is currently under construction and will be added ASAP

Workplace Violence: how to identify potential violence, sources of potential violence, EAP Referrals

- Safety Minute is currently under construction and will be added ASAP

New Employee Orientation Training: This is in place as part of the Welcome Packet and current employees are being "caught up".

- Workers Compensation Program and Claims
- General Office Safety
- Ergonomics
- Slips, Trips, and Falls

Supervisor/Manager Training:

- Accident Reporting Procedure - on the home page
- Safety Inspection and Self Audit Inspections - training conducted.
- Safety Training at staff meetings - Safety Minutes in place.

- Task-related safety training - not developed at this time.
 - Suspicious Packages & Safe Mail Handling
 - Bomb threats

Administration:

- Holiday Safety Reminders - in place. Done by LPCC Coordinator.
- Seasonal Safety Reminders - Safety Minutes.
- Alternative Dispute Resolution training - trained a new Alternative Dispute Resolution Coordinator this year/2023 (Justin Reilly)
- Civil Rights - All LOPD employees complete training annually through SHARE ELM Training.
- Harassment Prevention - All LOPD employees complete training annually through SHARE ELM Training.

APPENDIX E
Law Offices of the Public Defender (LOPD)
Incident Investigation Recordkeeping & Reporting Procedures
(Link to PDF version Attached)

[The Incident Investigation PowerPoint](#) is here as well. All new supervisors should review the PowerPoint and return the acknowledgment to the Loss Control Coordinator.

- [On the LOPD home page](#), click on Employee Links Policies & Forms, scroll down to Safety then click on the Incident Investigation tab in the safety section.

The Incident Investigation forms are on the [LOPD website](#). click on Employee Links Policies & Forms, scroll down to Safety then click on the Incident Investigation tab in the safety section to Supervisors. Accident Investigation Form.

- Supervisor Incident Report;
- Witness Statement

Review the Incident Investigation PowerPoint annually and return an acknowledgment to the LOPD Loss Control Coordinator.

- This has not yet been fully implemented. District Defender's and Managing Attorneys were directed to the training on TBD

Need additional information regarding what gets investigated and what to do with the investigations.

Please refer to the following link (PDF)

https://www.generalservices.state.nm.us/risk-management/loss-prevention-and-control/resources_2/

**Under forms click on the following links to access all pertinent documentation. Accident Investigation Form
Supervisor Incident Report & Witness Statement**

APPENDIX F
Law Offices of the Public Defender (LOPD)
Claims Analysis & Management Procedures

Establish WC claims management policy: This is part of the LOPD policy and procedure and the procedure is for supervisors/managers to request Worker Compensation claims packets from their HR representative; the HR representative ensures completion of the packet and forwards the packet to Risk Management.

- Workers Compensation (400.103.8) signed, posted on the website and distributed to all employees
- Workers Compensation forms distributed to all employees with the policy
- Workers Compensation bullets added to acknowledgment for in Welcome Packet
- Current employees sign the acknowledgment form and save it in the personnel file.

Written policies for WC claims management: (see bullet above). This is done (see above).

Early Return to Work Procedures (ERTW) with release from medical professional and in accordance with 1.7.10.12 NMAC. This is done see above.

NEO for safety, WC, & employment-related civil rights: handouts and PowerPoint presentations provided as part of the Welcome Packet with acknowledgment forms, and navigation to Civil Rights training in SHARE.

- All LOPD employees are required to attend Civil Rights training at the time of hire during onboarding and annually moving forward.
- The certificate of Completion is saved in the personnel file.
- HR will conduct an annual audit of Civil Rights training completed

LPC standards (written): Loss Prevention Plan on LOPD home page.

- This is done.

Supervisor roles and responsibilities: reporting and training requirements, annual safety inspection, participation on Loss and Prevention Committee.

- Educating supervisors regarding safety roles and responsibilities are ongoing.

- Annual safety inspection training.
- Loss Prevention and Control Committee includes District Defenders, Managing Attorneys, Supervisors, Attorneys, and Office staff.

Appointment of Claims Record Officer: Safety and Loss Control Coordinator Richard Pacheco.

Notice of Accident Form (WCA/NOA-1): available on the LOPD Website and from HR Team Member.

Employer's First Report of Injury (WCA/E1.2); available on the LOPD Website and from HR Team Member.

Authorization to Release Medical Information (WCA); available on the LOPD Website and HR Team Member.

Claim Explanation form available on the LOPD Website and HR Team Member.

Benefit Explanation form available on the LOPD Website and HR Team Member.

Other information (MD visit, witness statements, investigation reports, photos): available on the LOPD Website and HR Team Member.

APPENDIX G
Law Offices of the Public Defender (LOPD)
LPC Education & Training Requirements

RT-Refresher Training CR-Classroom/ZOOM * OL-On-Line; HO - Handout

JOB CLASS	TRAINING (Required)	FREQ	DELIVERY METHOD
ALL EMPLOYEES	WC Injury/Illness Reporting Ergonomics General Office Safety Slips, Trips, and Falls Seasonal Awareness (Cold, Heat, Holiday)	Once Once Once Once Once	OL/CR** OL/CR** OL/CR** OL/CR** HO
ADMINISTRATION (includes Executive)	Suspicious Packages/Bomb Threats	Once	CR*
RECEPTION (Customers/Public)	Suspicious Packages/Bomb Threats	Once	CR*
MAIL SERVICES	Suspicious Packages/Bomb Threats	Once	CR*
STATE VEHICLE OPERATOR	Defensive Driving Course/DDC-NSC	4-Yr	CR
ALL EMPLOYEES	Portable Fire Extinguishers	1-Yr	CR*/RT
ALL EMPLOYEES	Emergency Evacuation	1-Yr	CR*/RT
MANAGEMENT	Conducting Annual Safety Inspections and Self-Audit Inspections	1-Yr	CR

*Classroom training may be conducted during the safety portion of monthly staff meetings utilizing handouts and discussion.

**Classroom training is conducted during the NEO Process as one-on-one training with a supervisor or Office Administrator (see appendix H)

Current Employees received the following training online:

WC Injury/Illness Reporting; Ergonomics; General Office Safety; Slips, Trips, and Falls - A training acknowledgment will be completed by supervisors.

Portable Fire Extinguishers and Emergency Evacuation procedures will be discussed with employees during the annual inspection by the DD, MA, LPCC, and/or Safety Committee.

Management, LPCC, and Safety Committee trained on Annual

Safety Inspections by July 30, 2024

Suspicious Packages and Bomb Threat training is being developed by LPCC and the Safety Committee. Emergency Action Strategy Plans for each office are to be updated by July 30, 2024.

APPENDIX H
Law Offices of the Public Defender (LOPD)
Job Orientation & Safety Training

This has been implemented into the Welcome Packet provided to supervisors and managers for the onboarding of new employees.

Current employees have completed the training and signed an acknowledgment. Acknowledgments are filed in the employee personnel file.

SAFETY TRAINING MATRIX

RT-Refresher Training CR-Classroom/ZOOM * OL-On-Line; HO - Handout

JOB CLASS	TRAINING (Required)	FREQ	DELIVERY METHOD
ALL EMPLOYEES	WC Injury/Illness Reporting Ergonomics General Office Safety Slips, Trips, and Falls Seasonal Awareness (Cold, Heat, Holiday)	Once Once Once Once Once	OL/CR** OL/CR** OL/CR** OL/CR** HO
ADMINISTRATION (includes Executive)	Suspicious Packages/Bomb Threats	Once	CR*
RECEPTION (Customers/Public)	Suspicious Packages/Bomb Threats	Once	CR*
MAIL SERVICES	Suspicious Packages/Bomb Threats	Once	CR*
STATE VEHICLE OPERATOR	Defensive Driving Course/DDC-NSC	4-Yr	CR
ALL EMPLOYEES	Portable Fire Extinguishers	1-Yr	CR*/RT
ALL EMPLOYEES	Emergency Evacuation	1-Yr	CR*/RT
MANAGEMENT	Conducting Annual Safety Inspections and Self-Audit Inspections	1-Yr	CR

APPENDIX I
Law Offices of the Public Defender (LOPD)
LPC Initiatives

Guidance: Initiatives are plans and/or actions directed at Loss Prevention and Control for agency-specific areas of consideration.

Loss Prevention and Control Initiatives have not been identified at this time.

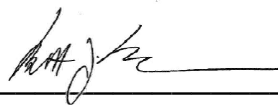
There is no action on this section of the LPC. The committee has not met and will need time to review the LPC to identify initiatives.

APPENDIX J
Law Offices of the Public Defender (LOPD)
LPC Committee Meeting Minutes

Item #	Item	Member	Notes
1	Call To Order	Richard Pacheco	
2	Roll Call	Richard Pacheco or Committee Secretary	
3	Introduction of Visitors		
3	A. Orientation B. LPCC and Duties C. Safety Committee and Duties D. Election of Secretary		A. Orientation B. LPCC and Duties C. Safety Committee and Duties E. Election of Secretary 1. Nomination(s) 2. Elected:
4	Implementation Schedule A. Website B. Welcome packet C. Policies		Implementation Schedule A. Website B. Welcome packet C. Policies
5	Identify training needs for committee members		Types of Training <ul style="list-style-type: none"> • State OSHA regarding standards • Ergonomics • _____ • _____ • _____ Who does the training? <ul style="list-style-type: none"> • _____ • _____ • _____
6	Report of Workers Compensation Claims	Richard Pacheco	
7	Report of Civil Rights Claims		
8	Establishment of safety committees		Plan: A. Each LPCC member will try to find a safety person in their office

			B. The DD will either serve as the safety person or designate a safety person
9	Identify the next meeting date and agenda items		Date(s)
10	Prepare meeting minutes for Chief Public Defender		Brief Review

Name Richard Pacheco Date: 12/28/2023
LPC Coordinator

Name  Date: 12/28/2023
Chief Public Defender

APPENDIX K
Law Offices of the Public Defender (LOPD)
Investigation Analysis & Evaluation of Incidents & Losses
(Including Loss Run Reports)

INSTRUCTIONS:

This appendix is intended to include the agency-specific Loss Prevention and Control Investigative Analyses. Include Loss Run Reports in this appendix.

There have been no incident investigations at this time.

APPENDIX L
Law Offices of the Public Defender (LOPD)
Workers' Compensation (WC) Claims Record Information

This information is maintained in a confidential file in the HR Section and the GSD's Loss Prevention Portal.

APPENDIX M
Law Offices of the Public Defender (LOPD)
Alternative Dispute Resolution (ADR)

The LOPD is committed to providing alternative dispute resolution techniques to supervisors and managers to reduce tensions and work difficulties in the workplace. Justin Reilly is our ADR Coordinator.

The Deputy HR Director and HR Investigator are both trained mediators and provide coaching to supervisors and managers who have difficult situations between employees.

The LOPD mediators have:

- Provided mediator services to other state agencies.
- Facilitated discussions of Code of Conduct in the workplace on a regular basis.