

PERSPECTIVES ON COSTS AND COST EFFECTIVENESS OF OMBUDSMAN PROGRAMS IN FOUR FIELDS

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INTRODUCTION

The following articles examine the cost effectiveness of providing ombudsman services in four types of organizations: two engineering firms, a university, a hospital, and a state government. Two types serve employees and managers; two serve clients; one serves both. Very little information is available in the professional and academic literature regarding ombudsman costs and effectiveness. There is a need to identify key elements of cost effectiveness of complaint processing by ombudsmen in different fields in order to determine the desirability of further program development. The following articles are a beginning for future research in this area.

The articles consider cost effectiveness of operating an ombudsman program. Their purpose is to expand our knowledge of cost effectiveness of services generally and the costs of complaint processing by ombudsmen in different organizational settings. While attention to ombudsmen is increasing (Rowe and Baker, 1986; Robbins, 1986; Rowe, 1991, Ziegenfuss, 1987; Kolb, 1987; Laurendeau, 1982), further development of ombudsman programs is partially dependent on analysis of expected costs and benefits.

The costs of ombudsman programs (allocation and effectiveness) are of growing interest to organizations in a number of fields. For example, medical malpractice costs are now so high that both hospitals and individual physician providers are actively engaged in a search for alternative dispute resolution systems; highly skilled professional employees are now so hard to replace that many

employers are seeking ways to reduce turnover. Other employee dispute costs are also on the rise. To give only one example, employee litigation is now very expensive. Managers and employees are suing to solve grievances, *e.g.*, dismissals, harassment, even policy conflicts. The ombudsman is one component of a complaint system that has been identified as an effective cost reduction mechanism.

The benefits of ombudsman programs are also under scrutiny because of the spread of total quality management systems. Defining a customer complaint or employee complaint as a "treasure of opportunity" has turned attention to the ombudsman as part of total quality management.

The following articles are part of a continuing research program on corporate ombudsmen, sponsored by member companies of The Ombudsman Association (formerly COA).

APPROACH AND CASES

Ideally one would calculate the financial benefits of intra-institutional ombudsman work by obtaining data on such matters as the actual costs of absenteeism, turnover, low morale, sabotage, litigation, and the cost of problem resolution before and after the involvement of ombudsmen. However, appropriate data are not available. Estimates of only a few relevant variables were available for this review. The authors therefore wish to begin by acknowledging the limits of the analysis. They present ideas to build on rather than answers.

Members of The Ombudsman Association (formerly COA), the College and University Ombuds Association, a state hospital program, and the U.S. Association of Ombudsmen were asked to provide an exploratory cost analysis of their own programs. To allow for innovation in approach, the procedure was not standardized. Individual approaches to the cost analysis were considered important in this first attempt where the authors are beginning to generate hypotheses. As cases and data from differing perspectives develop, they expect that a consensus-based procedure for cost allocation and effectiveness analysis will emerge.

Five programs are included in this first attempt as follows:

- Case 1: High Tech (Internal) Ombudsman (Perneski and Rowe);
- Case 2: High Tech Company (Internal) Ombudsman (Hall);
- Case 3: University Ombudsman (Internal and Client) (Rowe);

Case 4: Hospital (Client) Ombudsman (Ziegenfuss); and
Case 5: State Ombudsman (Client) (Lux).

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CASE 1: ENGINEERING COMPANY

EFFECTIVENESS ESTIMATES

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INTRODUCTION

Corporate ombudsman offices have been set up to serve work forces from 500 to more than 140,000 people. Larger groups are usually served by multiple offices and/or an 800 line. Typically, some 2-15 percent of the people in a given workplace will call, write, or visit the ombudsman to raise questions ranging from the very serious (e.g., difficult safety problems due to alcoholism) to the relatively simple (e.g., a request for information on how salary equity is monitored). The ombudsman must strive to provide a cost effective service.

The cost of providing an ombudsman can be broken down into salary (loaded to include benefits), space and equipment (office space, computers, telephones, etc.), support (secretarial, administrative, etc.). The authors include an estimate of the cost of time spent by other company personnel with the ombudsman by estimating *net* savings in work time creditable to the intervention of the ombudsman. They allow for the possibility that an error by an ombudsman may actually increase costs.

How costs are allocated to the above items are determined by the circumstances of a particular ombudsman. The total cost of the above items for an ombudsman at one area of AT&T-Bell Labs was approximately \$200,000 in 1988. The specific examples of cost effectiveness for an engineering company that follow pertain to that area of AT&T-Bell Labs.

GAINS OF THE FUNCTION

There are five benefits to the ombudsman function which can be

relatively easily translated into cost savings: productivity, management time, other personnel savings, legal staff savings, and miscellaneous savings. In addition, this corporate ombudsman spends about 25% of his time on company-wide, future-oriented policies and planning.

Productivity. Loss of productivity of employees due to problems at work can range from very little (a few percent) for small problems to much more than 100% (*e.g.*, when the productivity of others is impaired). However, arguments about productivity increases or "return to full productivity because of solutions to work connected problems" are difficult to substantiate. Therefore an ombudsman must make a conservative estimate about productivity increases. The authors believe that an estimate of an average 2% increase in productivity, for all *resolved* cases, is an appropriately cautious estimate. This estimate is conservative enough to appear to take appropriate account of the time lost by complainants in talking with the ombudsman. The formula for computing productivity gains is:

$$\begin{aligned} &\text{Number of successfully resolved cases per} \\ &\text{year, times average productivity gain (\%),} \\ &\text{times average yearly loaded salary per year =} \\ &\text{productivity gain (\$)} \end{aligned}$$

In the 1988 example above, a caseload of 200 people successfully served per year, times two percent equals the equivalent of increasing the work staff by 4 people. At loaded salary cost, this would amount to a value of approximately \$600,000.

Management Time. Extensive research indicates that most managers spend a substantial amount of time dealing with peers and subordinates who have problems. Even a conservative estimate would suggest that 1% of the managers' time (an average of half an hour per week per manager) which does not have to be spent on a peer or employee problem would save a significant amount of corporate management time. The formula for calculating (net) management time savings is:

$$\begin{aligned} &\text{Number of serious cases per year, times} \\ &\text{management time per case (in years), times} \\ &\text{average yearly loaded salary (\$/year) = cost} \\ &\text{savings (\$).} \end{aligned}$$

In this organization, 50 of the 200 successful cases in 1988 were coded as "serious." In a conservative estimate their resolution saved the equivalent of one half of one manager's time or about \$75,000. The authors feel that this conservative estimate reasonably takes account of (and is therefore net) of time spent by managerial personnel with the ombudsman.

Personnel Savings. Some people who contact the ombudsman sometimes are good employees who are at risk of leaving the corporation because of a work related problem. Solving the problem may induce the employee to stay at considerable benefit to the corporation in terms of costs of recruiting and training a replacement employee. Personnel savings can be calculated by using the following formula:

$$\begin{aligned} &\text{Number of valued employees saved per year,} \\ &\text{times (recruiting costs (\$) + training time} \\ &\text{(years) per person, times yearly loaded salary} \\ &\text{(\$/year))} = \text{Personnel Savings (\$)} \end{aligned}$$

In 1988 the authors estimate that two valued professional employees decided to stay in the corporation because of satisfactory solutions to their problems. The savings were calculated at approximately \$170,000.

Legal Savings. Employee problems not solved by an ombudsman or manager may require attention by the corporate legal staff together with management. Legal staff and managers may contain the problem within the corporation at a reduced cost or may have to face the problem outside the corporation (*e.g.*, agency or sponsor appeal or lawsuit) at higher cost. The formula for calculating legal savings is:

$$\begin{aligned} &\text{Number of cases kept from becoming a legal} \\ &\text{problem, times average corporate attorney} \\ &\text{time per case (years), times yearly attorney} \\ &\text{loaded salary (\$/year) plus average manager} \\ &\text{time per case (years), times yearly manager} \\ &\text{loaded salary (\$/year)} = \text{Legal Savings (\$)} \end{aligned}$$

In 1988 it was estimated that three cases were kept from becoming an outside problem for corporate attorneys, conservatively saving about 15% of an attorney's time or an equivalent of \$30,000, plus at

least an aggregate of 50% of a manager's time or \$75,000, a total of \$105,000.

Miscellaneous Savings. Depending on the variety of the corporation served and the skills and availability of the ombudsman, a number of miscellaneous savings may be generated. One typical saving is connected with data collection. Surveys are frequently conducted by ombudspople that would cost from \$5,000 to \$100,000 if conducted by outside consultants or other inside departments. In 1988 this particular ombudsman was involved as initiator, planner, and coordinator of a \$1.2 million training program for management. Outside consultant costs averaged \$50,000 per consultant. The ombudsman saved the costs of a fifth consultant.

Other miscellaneous savings reported by ombudsmen are those which came from curtailing activities such as waste, fraud, theft, drug use, sabotage, vandalism, safety problems, and potential bodily harm to managers and employees. Cost savings due to these circumstances can only be made with assurance when specific incidents are considered. Several such occurrences came to the attention of this ombudsman in 1988. Serious problems of this type are currently estimated to come to an ombudsman's office *at least one a year per 2,000 employees* around the country; this estimate comes from the 1989 Corporate Ombudsman survey and other data available to Mary P. Rowe.

The authors estimate total miscellaneous savings at an annual average of \$20,000 for a company of this size.

Increases in Costs. There is, of course, the possibility of negative impact of actions by ombudsmen. Since the average case load includes hundreds of cases per year, there is a good possibility that some will go wrong. Instead of cost savings or no effect, costs could increase. Any losses known to have occurred through actions of the ombudsman must be subtracted from the gain before calculating cost effectiveness. The authors at this time know of no specific negative impact in this company in 1988.

COST EFFECTIVENESS

Cost effectiveness is the ratio of savings divided by costs: (productivity gains + management time savings + personnel savings + legal savings + miscellaneous savings - miscellaneous losses)/cost of the function. For this one lab in 1988 the calculation is:

$$\begin{aligned} &600,000 + 75,000 + 170,000 + 105,000 + 20,000 \\ &\text{divided by } 200,000 = 970,000 = 4.85 \end{aligned}$$

Another way to look at cost effectiveness is to calculate the estimated production of equivalent employees because of the actions of the ombudsman. This calculation is:

$$\begin{aligned} &\text{total savings - costs/avg. loaded salary per} \\ &\text{employee or } 770,000/150,000 = 5.13 \text{ employees} \end{aligned}$$

SUMMARY

An estimate of the cost effectiveness of an ombudsman can be calculated using the approach presented above. Conservative estimates should be used to avoid the need to develop proofs which cost more to obtain than the savings themselves. Using conservative estimates, as in the example described here, one can demonstrate that corporate ombudsmen may not only pay for themselves (which would be a cost effectiveness ratio of one) but should do much better.

SYSTEMS CHANGE

Since the actions of the ombudsman are usually relatively unrestricted, one can add to the above estimate of cost effectiveness. For example, the knowledge of the organization and its problems gained by handling individual problems can be used to produce "generic" solutions with a much larger cost effectiveness. Ombudsmen typically spend at least a quarter of their time in working toward problem prevention and better management processes such as participative management. Some corporate ombudsman are now an integral part of their employer's total quality management efforts and nearly all ombudsmen help to improve policies and procedures, to support workplace diversity, to help prevent harassment, etc. In such a process, employees become involved in establishing a corporate team that avoids many individual problems.

CASE 2: A CONSERVATIVE ESTIMATE OF OMBUDSMAN COST EFFECTIVENESS

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INTRODUCTION

The start-up of an ombudsman office entails measurable and considerable costs to a component or enterprise. One must calculate not only the salary of the ombudsman and secretarial support but office space and equipment, travel, training, and reprographic expenses as well. These costs can be justified if increases in productivity, reduced turnover, decreases in grievances and litigation costs, and savings in management time can be realized.

In attempting to develop such an analysis, this author researched a report prepared by Tony Perneski, Ombudsman for Bell Labs, and Mary Rowe, Adjunct Professor and Special Assistant to the President of MIT, concerning cost effectiveness through ombudsman intervention. This author felt that some of the gains presented were quite "generous" to the profession but, since very little information is available in this area, any analysis runs the risk of being labeled self-serving. Nevertheless, their efforts have inspired this author to tread into unfamiliar turf and use their examination as a framework for his exploration.

All cost estimates, whether considered as expenses or gains, will be calculated using loaded rates (benefits included) with emphasis toward a conservative approach. Between 7 and 9 percent of MDESC-W employees will visit or call the ombudsman during the year to raise concerns ranging from the very serious to the relatively simple. The gains in handling those concerns (cost effective service) shall be broken down into six primary categories (there may be others):

Productivity gains

Grievance avoidance (Collective Bargaining Units)

Management time savings
Reduced turnover
Potential savings in litigation
System and process improvements.

EVALUATING THE OMBUDSMAN CONTRIBUTION

1. **Productivity Gains:** People are the most essential element of any organization. Since MDC is committed to productivity improvement through positive change and increases in performance, the impact of an ombudsman through a positive influence on employee morale in resolving employee concerns should not be ignored, however difficult to substantiate. An employee who has a concern will often focus on his/her problem a fraction of the workday, some a significant portion of the workday. Others may even drag other workers into the scope of their problem thus affecting productivity in a negative sense and, in some cases, workers' morale.

A conservative assumption would indicate that the ombudsman will have a positive impact in only about 40% of the cases which come to his/her office, coupled with the assumption that there is *some* effect of the ombudsman efforts in restoring or increasing productivity. The *Corporate Ombudsman Handbook* estimated an average improvement in productivity from ombudsman efforts to be five percent; the Perneski and Rowe article estimated an average of two percent as a cautious estimate for favorable/resolved cases of client concerns.

Recommendation: A conservative estimate would indicate that productivity gains would actually be observed in about one-half of total successful cases. An ombudsman should know from a case-by-case review of actual successes which had an impact on productivity and for what period of time. Rather than the suggested formula of 2% X a yearly loaded salary to determine productivity gain, the following formula is provided:

Actual number of successful cases (determined to have productivity impact), times average productivity gain of 2%, times one-quarter of yearly loaded rate (hourly or salaried) = productivity gain (\$)

2. **Grievance Avoidance:** On numerous occasions bargaining unit

employees (SCPEA and IAM at this facility) will use the office of the ombudsman to voice concerns that may be grievable items under applicable collective bargaining agreements. If, through the efforts of the ombudsman a potential grievance can be avoided, a savings in management and employee time can be realized as well as potential arbitration fees including preparation time. Again, a conservative bias will be given due emphasis by developing a weighted average of costs for the various steps of the grievance procedure with priority on Steps 1 and 2 of the grievance procedure.

A typical grievance, whether IAM or SCPEA, involves an oral step, management discussion prior to formal grievance preparation time (including Human Resource counsel), and the actual formal presentation. The average cost (loaded rate) for a Step 1 SCPEA grievance might be as follows (based on a 2-hour grievance hearing):

<i>Oral Presentation</i>	\$195.00
Management and chairperson discussion	
Management preparation	
<i>Formal Presentation</i> (Step 1)	\$750.00
Supervisor rate	
Grievant rate	
Union chairperson	
Witnesses - 2 (average of 1 hour)	
Supervisory investigation (includes HR counsel prior to answer)	
Clerical support	
Grievance Answer (grievant, chairperson, and management)	
Total	\$945.00

The above figure is increased significantly when you consider the loss of production time, supervisory time away from normal duties, and potential morale factors. When this same grievance is submitted to Step 2 of the grievance procedure (denials are usually submitted to Step 2), add the same dollars plus Human Resource time in preparation, investigation, additional witnesses as necessary, etc.

Recommendation: When considering the numerous factors

mentioned above, a modest assessment would suggest that any grievance that can be avoided through the efforts of the ombudsman could realize a savings of approximately \$2,000 per case (costs of Steps 1 and 2). Add arbitration and the savings could be considerably higher, but for a conservative estimate the \$2K is a good formula for grievance avoidance through ombudsmen efforts.

3. Management Time Gains (CBU grievances excluded): A quote from the *Corporate Ombudsman Handbook* states that "it would be reasonable to assume that a manager might spend twenty (20) hours minimum on a serious case such as a difficult termination or a harassment change ..." This would be approximately one (1) percent of a manager's annual working time. In those "serious" cases, e.g., termination, harassment, diminished morale, etc., where an ombudsman could defuse a severe problem (impact is determined), the following formula for calculation is suggested:

$$\begin{aligned} &\text{Number of serious cases per year diverted} \times \\ &\text{Management Time per case (20 hours)} \times \\ &\text{average loaded rate (\$ per year)} = \text{cost savings} \\ &(\$) \end{aligned}$$

4. Reduced Turnover: As the Perneski/Rowe (p. 266) analysis indicates, "people who contact the ombudsmen sometimes are good employees who are at risk of leaving the corporation because of a work connected problem ... solving the problem may induce the employee to stay at considerable benefit to the corporation." The following is a partial list of cost elements associated with turnover:

- Recruitment costs
- Training and orientation courses
- Productivity loss related to "break in"
- Increased overhead for employees waiting special clearance
(9 month minimum)
- Termination payments.

All these factors carry a cost burden peculiar to each individual case, e.g., skill of the new employee to master the technical aspects of the job and the available resources in the labor market. It has been said that, if an ombudsman saves *one* valued employee from termination, ... the ombudsman will have made a contribution to the organization's objectives and will have justified the expense of the

function. A proposed formula suggested by the Corporate Ombudsman Association was an assumption that "the total package to replace a staff member (recruitment, training, orientation, break-in period) would be twenty percent of the average annual cost of an employee."

At the McDonnell Douglas Space Systems Company, an activity and cost-per-hire report is submitted on a yearly basis. For CY 1989 the cost to replace a salaried, exempt employee was approximately \$7,000 per hire. This sum took into account such items as:

- Staff labor (employment department)
- Advertising and job fairs
- Applicant travel
- New hire relocation
- Medical and drug testing
- Agency fees
- Learning costs.

The costs per hire of non-exempt salaried and hourly personnel were about \$3,400. If one were to take the suggestion that the total package to replace an employee is 20% of his loaded annual salary, then the costs would skyrocket to approximately \$20K per replacement. Pre-employment and post-employment assessment of hires was not factored into the MDSSC report therefore a conservative estimate falls somewhere in the \$12K range for full replacement.

Recommendation: Number of persons saved per year times cost per hire of \$12K for exempt and \$5K for non-exempt employees.

5. Litigation Avoidance: Commercial arbitration has long been used as a substitute for court action in this corporation's philosophical approach to the handling of labor-management disputes. Collective bargaining is the first stage in that relationship; arbitration the last.

Arbitration claims among its advantages the saving of time, expense, and a great deal of trouble over litigation. There is certainly no argument that the company's CBU agreements (arbitration clauses included) are a superior method for resolving disputes, especially where a speedy decision is desired. Where arbitration is not an option, particularly in free enterprise situations, the presence of an ombudsman could deter expensive litigation. As an ombudsman becomes better known in an organization for his/her impartiality, skill, knowledge of labor-management relations, credibility, and

confidentiality, the greater the prospect that he/she might resolve problems informally without resorting to the judicial process.

Whether preparing a defense in a suit is done by the corporation's legal staff or an outside law firm, the costs will be high depending on the length of the proceedings and the amount of research, travel, and consultation the case involves. Fines, court fees, and damages could send potential costs soaring even higher.

The *Corporate Ombudsman Association Handbook* states: "No one single assumption will be satisfactory here, but a round number estimate of \$50,000 per case would be a reasonable starting point." The Perneski/Rowe examination reviewed three cases estimated at about \$35K per dispute.

Rather than suggesting a formula, it is the opinion of this writer that, if there is good and sufficient reason from the client attitude and verification by component legal counsel that a reasonable cause for litigation exists, a conservative \$ amount per case *kept from litigation* would be in the \$15,000 to \$25,000 range. Potential state and federal agency complaints could be added to this category.

6. Miscellaneous Savings: This is a difficult category in which to establish a dollar savings since many of the improvements an ombudsman may accomplish are through the daily routine of his/her job, *i.e.*, "feedback" which an ombudsman gives senior management that leads to change in company policies or procedures or that lead to curtailing activities such as fraud, waste or safety problems. Any estimate should be well-documented and handled on a case-by-case basis. Several cases occurred during 1990 when the ombudsman saved MDC over \$7,000 through intervention in a benefits problem and \$3,000 in travel expenses when the ombudsman coordinated a deviation in travel policy with corporate office for Saturday travel regarding three C31 employees. Again, these cases should be well-documented and easily traceable to ombudsman intervention that affected the positive outcome.

Another typical saving is that of data collection by an ombudsman. Surveys may be conducted by his/her office that, if conducted by outside consultants, could run from \$5,000 to \$50,000. Surveys concerning the morale of a department or business unit are frequently assigned to an ombudsman. A COA estimates that in companies the size of MDESC-West total savings in this category could reach \$20,000 per year.

7. Conclusion/Cost Effectiveness: The cost of providing an ombudsman must finally be included in a cost effectiveness ratio.

They may be broken down as follows:

- Salary of Ombudsman (loaded to include benefits)
- Clerical Support
- Travel Expenses
- Training Expense (Corporate Ombudsman Association)
- Office Space (D level allocation)
- Reprographics (reports, brochures, posters, etc.)

There is always the possibility of negative impact of actions by the ombudsman. "Since the average caseload is two hundred plus cases per year, there is reason to believe that some will go wrong. Instead of cost saving or no effect, cost would increase" (Perneski/Rowe, p. 267). This author knows of no specific negative impact this past year at MDESC-West.

Using the conservative estimates described (thus avoiding the need to develop proofs which cost more to obtain than the savings themselves), one can demonstrate that corporate ombudsmen may more than pay for themselves. The above formulas will be applied to caseload data below for CY 1990 to evaluate cost effectiveness.

ADDENDUM

1. Productivity Gains: The ombudsman handled 149 cases during CY 1990 where it was concluded in such cases that the client received positive help. The favorably resolved cases were individually reviewed for possible impact on productivity and the formula for productivity gain applied. A total of 51 cases (34%) were deemed examples where productivity improvement could be correlated to some degree. In no circumstances was the productivity improvement applied beyond a maximum of three months.

Number of cases determined to have productive impact X 2% average gain in productivity X one-quarter of yearly loaded rate (as applicable) = \$20,998.

2. Grievance Avoidance: Fifty-five (55) concerns were heard during the period involving employees with bargaining unit affiliations (IAM or SCPEA). Thirty (30) of those concerns were successfully completed to the satisfaction of the client and positive help was

received. Eight (8) cases were fully documented in which the employee threatened to file a grievance unless the ombudsman could intervene and diffuse the situation:

- Employee bypass of overtime and management harassment concerning transfer;
- SCPEA complaint of reimbursement for airfare;
- SCPEA employee selected for layoff inappropriately;
- IAM employee refused leave after management promise;
- IAM client complaining of broken promise of management to initiate training;
- Minority employee alleging discrimination;
- IAM group concern on misapplication of seniority provisions; and
- Layoffs avoided.

At approximately \$2,000 savings per grievance, the total savings would be estimated at \$16K.

3. Management Time Savings (CBU excluded): This saving is only directed at serious cases that were diffused by the ombudsman's intervention, such as difficult termination, harassment, discrimination charges, etc. It would be reasonable to assume that management might spend twenty (20) hours minimum on cases of this nature or 1% of annual working time. Twenty-nine (29) client concerns were reviewed in this category and 18 were selected in which positive impact on management time was determined. Fifteen (15) of the concerns were about improper layoffs, two (2) involved potential discrimination complaints, and one (1) dealt with sexual harassment. Applying the metric proposed revealed the following:

**18 cases diverted X management time per case
(20 hours) X average loaded rate per hour
(\$68) = \$24,480 savings in management time.**

4. Reduced Turnover: Full replacement costs as noted in this category were estimated at \$12K. Those costs do not include the "holding tank" expenses of C31 employees waiting special access clearance. Approximately 15 to 20% of an employee's time while waiting special clearance is spent in duties/training charged to overhead. Five client visits during 1990 involved employees who were threatening to transfer if various work conditions could not be

changed. Four of those cases were successfully handled with management through promotion or merit increases. Team building and various coaching techniques were also initiated. Two out of the four employees were C31 individuals with special access clearances and replacement would have exceeded the \$12K estimate in hiring cost. One individual of the five eventually transferred to another ESC department in lieu of layoff.

4 cases (turnover circumvented) X \$12K = \$48K cost savings + \$18K in C31 overhead costs avoided (minimum).

5. Litigation avoided: In spite of the doctrine of "employment at will" which rests on the conception of the relation between employer and employee, courts carve out exceptions that may be quite costly to employers. Three cases during 1990 come to mind as relatively simple examples of potential litigation that was avoided through ombudsman intervention. All three would likely have been filed through the Fair Employment and Housing Commission as they involved discrimination issues concerning layoff and right of return from pregnancy disability leave. Each case is well documented and contains evidence to support the ombudsman appeal to correct the situation. A very conservative estimate of dollar savings for all three cases, although hard to pinpoint, would be in the \$15,000 to \$20,000 range, say \$17,000. While a courtroom trial may have been avoided, preparing the defense for FEHC hearings can be costly.

6. Miscellaneous Savings: As documented earlier in this article, two cases occurred during 1990 concerning a benefits intervention and travel policy exception that saved MDC a total of \$9,766 through ombudsman investigation. The coordination of benefits problem and deviation to travel policy resulted in positive results and good feedback to corporate departments.

SUMMARY OF GAINS

1. Production gains	\$20,998
2. Grievance avoidance	16,000
3. Management time savings	24,480
4. Reduced turnover	66,000
5. Litigation avoided	17,000
6. Miscellaneous savings	9,766
	\$154,244

When considering the salary of the ombudsman, secretarial

support, and yearly travel to corporate meetings and training seminars, the gains of the office are still in the \$75 to \$85K range, producing a very conservative 1:2 cost-effectiveness ratio. Even under quite conservative and modest expectations, the cost effectiveness is very real to the organization. Although more research will be launched in this area, the Corporate Ombudsman Association had generated a good deal of discussion concerning cost saving contributions of ombudsman programs. This author would be remiss if he did not again acknowledge its analysis and contribution which prompted his own evaluation.

CASE 3: ACADEMIC OMBUDSMAN

COST ESTIMATES

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INTRODUCTION

The economics of ombudsmanry in colleges and universities are particularly difficult to define. Costs are reckoned in different ways, for example with respect to overhead, space, and rent. Estimates are difficult to determine where students are the complainants since lost productivity, absenteeism, turnover, and even litigiousness take different forms among students than among employees. The number of students served per ombuds office varies by a factor of at least ten among the one hundred plus academic institutions in North America serviced by ombudsmen. Further variations occur because most colleges and university ombudsmen also serve faculty and staff. Some ombudsmen are part-time; some are assisted by students; a few offices are run *only* by students which means they have very different (cash) costs. Some offices deal mainly with grade disputes, some with inter-faculty fights, some with numerous problems of violence, mental illness, safety, theft, academic dishonesty, and discrimination.

Costs of academic ombuds offices vary widely with many at about \$50,000 per year, others ranging upwards of \$200,000 per year. One or two offices serve only a few people a year but most serve hundreds of calls and visitors. Average cost per contact or per visitor is difficult to measure, even in general terms, across offices. Following the rubric cited earlier, however, it is possible to describe a composite of several university ombudsman offices in a community of approximately 20,000 faculty, administrative, research and support staff, and students.

COST OF FUNCTION

The total cost of a full-time ombudsman office in a university,

including one full-time, faculty-level ombudsman, support services, and imputed cost for space and overhead, runs between \$100-200,000 per year. This sum might support several student volunteers and one support staff person.

ESTIMATED COST OF THE FUNCTION

Productivity Gains. If the ombuds office saw several hundred students and several hundred staff and faculty a year (say, 4% of the population or 800 people), there would arguably be some improvement in productivity for perhaps 500 out of the 800. (There is research that shows that 60-70% of those who use ombuds offices feel partly or fully satisfied.) If there were a 2% productivity improvement for the 250 reasonably satisfied employees and faculty earning an average of \$30,000 a year, this would amount to a value of \$150,000. A similar 2% productivity improvement for 250 students paying \$10,000 a year adds \$50,000 a year in value. These two sums represent \$200,000 in productivity gains in the total community. In addition, an ombuds office will field hundreds of inquiries and short telephone calls per year, plausibly saving a good deal of wear and tear on feelings and perhaps on budgets.

Savings in Management Time. It is difficult to know how many staff hours would otherwise have been spent on cases resolved by the ombudsman. Working with an ombudsman also *costs* management time but a net savings for all other administrators of an average 5 hours per case (a total of 4000 hours or 2 FTE administrators) seems reasonable. If the ombuds office thus saves the full-time equivalent of two university administrators (and their office staff) in dealing with approximately 800 cases, these savings may total \$100,000 or more. In a year in which the ombudsman handles several serious cases, this value may rise many times over since one serious case may cost dozens or even hundreds of hours from several senior administrators.

Personnel Savings and Lowered Student Attrition. If the ombuds office kept two or three valuable professors, research and/or administrative staff and a dozen valued students and support staff from leaving in any given year, the production losses, recruiting costs, and training costs saved might aggregate to \$50,000 a year. In some instances, these savings would be higher.

Savings in Legal Costs. If the ombuds office handles harassment complaints, academic misconduct concerns, safety problems, conflict

of interest complaints, discharge concerns, and similar difficulties, typical savings might include the salary of one full-time-equivalent attorney not needed and expenses of agency investigations, sponsor contacts, settlements, lawsuits and payment of damages forestalled. In a typical year, this would mean average savings of \$100-200,000; at a conservative estimate, perhaps \$150,000 might be saved.

Miscellaneous Savings. An ombudsman in an academic institution may also deal with concerns about alcohol, drugs, arson, mental illness, theft, vandalism, threats of bodily harm, etc. Estimates of savings here are difficult but ombudsmen in 1988 reported helping recover thousands of dollars in stolen goods or cash by serving as a confidential conduit for restitution. They were the recipients of valuable anonymous information on drug pushing and helped to surface problems and handle cases in all the other areas cited above. Average savings in these areas sum to \$50,000-\$100,000 per year or more; the estimate, conservatively, is perhaps \$50,000 in addition to the legal costs saved.

In addition, ombudsmen may help to bring in research funds, do institutional data collection and institutional research, participate in total quality management initiatives, sponsor or write policies, do extensive in-house "management consulting, provide mentoring and career guidance, help with AIDS, drugs, and alcohol awareness, help recruit students and staff, support equal opportunity efforts, ethics programs, mediation, dispute resolution, and other management training programs, do sexual harassment and date rape training, etc. Ombudsmen occasionally inspire parental and alumni gifts. The average annual value of such services is hard to estimate; one may, however, estimate \$5,000-\$100,000 worth of such "in-house consultant" services per year, averaging \$50,000.

The value added by an ombuds office may thus approximate \$600,000 per year or roughly 3 to 6 times the cost of the office, if there are no "damages" attributable to the office. The savings in cash costs alone will likely cover the cost of an office, especially if heavy legal costs are prevented. It is apparent that these figures will range very widely, year by year and office by office. Nevertheless the order of magnitude may be reasonably correct. Conservatively speaking, one would expect that a university ombuds office will at least pay for itself and that it will probably improve morale.

CASE 4: HOSPITAL CASE (A CLIENT OMBUDSMAN)

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INTRODUCTION

This cost effectiveness information of a hospital ombudsman service is derived from continuing analysis of a cost study of the ABC Hospital program (Ziegenfuss, 1985). Workload data were obtained from official records of the ABC Hospital ombudsman program (Ziegenfuss, Charette, and Guenin, 1984). Salary figures have been updated for 1989.

The purpose of the ombudsman program in the hospital is to provide an opportunity for patients to present complaints and to have problems solved. There are 3,000-4,000 patient representatives in American hospitals; a few are called ombudsman and some are seeking to be designated as neutrals. Some health-care institutions also have *employee* ombudsmen, like the corporate ombudsmen described in Cases 1 and 2 above.

The costs of operating an ombuds program at one hospital include the patient ombudsman salary, central office ombudsman support, plus employee time during complaint processing. More than two hundred cases per year are handled in this hospital which serves approximately 500 patients.

The cost of the program is about \$100,000 per year. In 1989 this patient ombudsman earned \$30,000 plus benefits. (Senior managers at ABC Hospital were paid \$70,000-\$80,000 with benefits; clerical support staff approximately \$50,000).

GAINS OF THE FUNCTION

The author describes five areas of gain from the ombudsman's work: productivity, management time, other personnel savings, legal staff salary savings, and miscellaneous savings.

Productivity. Employees in the hospital lose some productivity

because of complaints by patients. The actual productivity loss is hard to estimate. However, a 2% per year gain in productivity of the staff involved in patient conflicts handled by the ombudsman would appear to be conservative. The formula for computing productivity gains is:

**Number of successful patient cases per year,
times average productivity gain to staff involved
in patient conflicts, times average yearly loaded
salary per year = productivity gain.**

If we conservatively assume 100 successful cases per year, multiplied by a 2% gain for involved staff, times the average yearly loaded salary per year, we have a productivity savings equivalent to two staff persons @\$50,000 or \$100,000 per year.

Management Time. Patient conflicts take management time to confront and address. Following the engineering estimate in Case 1 of managers' time per week saved in difficult cases (25% of case-load), these savings would be the equivalent of one-half of a senior manager. The formula for calculating management time savings is:

**Number of difficult cases per year (50), times
management time per case (1%), times average
yearly loaded salary (\$ per year = \$80,000 =
cost savings (\$40,000).**

Personnel Savings. There are benefits derived from retention of personnel involved in patient/staff complaints. Of the 200 cases per year, it was estimated that one valuable staff person was retained who otherwise would have left. Recruiting costs for nurses are approximately \$7,000. Other recruiting costs, *e.g.*, specialized physicians, could be much higher thus personnel savings could exceed \$7,000.

Legal Savings. Patient conflicts often end up in litigation. While few of the 200 cases represented potential litigation, 2 cases of the 200 which were settled were judged to have been likely possibilities for court action. A conservative estimate of hospital staff attorney time saved would amount to 40 hours (plus attorney support staff) for the two cases, a total of \$4,000.

Miscellaneous Savings. Hospital ombudsmen provide other services such as education, training, and consultation. This activity

represents about 40% of the total job time or about \$12,000 in costs to the hospital. These are miscellaneous savings costs that would otherwise be assumed by managers and risk management staff. In addition, patients are more likely to refer other patients to health care institutions where they feel they had been treated well.

SUMMARY OF HEALTH CARE COST EFFECTIVENESS

The cost effectiveness of the hospital ombudsman example is calculated by the following formula:

**Productivity gains + management time savings
+ personnel savings + legal savings + miscellaneous savings divided by the cost of the
ombudsman.**

For one hospital these estimates were as follows:

\$100,000 + \$40,000 + \$7,000 + \$4,000 +
\$12,000 (savings) divided by \$100,000 (cost).

This very conservative estimate of cost effectiveness is 1.63 which appears to be a good investment.

Hospital ombudsman programs are similar to models long used in many industries. For example, the "patient representative program" model in use for several decades in general hospitals is recommended by the American Hospital Association. Its contribution as a "fiscal asset" is defined in the *Patient Representative Program Manual* of the American Hospital Association:

One of the most visible and significant cost savings a patient representative can contribute is in the area of risk management. By communicating directly with patients, acting as their advocate and problem solver, the patient representative is in a position to identify potential liabilities quickly and work expeditiously toward reaching a solution. In this regard, fiscal advantages would include saving the time of administration, legal counsel, and other staff members to whom a patient would ordinarily have to explain his problems. By providing a centralized and consistent grievance mechanism, the patient representative decreases the chance that, because of frustration and dissatisfaction, the patient will seek legal recourse. Another

indirect benefit in such cases would be the possibility of decreasing malpractice insurance premiums.

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CASE 5: STATE OMBUDSMAN OFFICE COST EFFECTIVENESS ESTIMATES

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INTRODUCTION

Nebraska's Public Counsel is an ombudsman in the classical style, that is, an element within the legislative branch of a state government designed to investigate and resolve complaints pertaining to acts of administrative agencies of that government. The jurisdiction covers approximately 70 state agencies. The Nebraska Public Counsel does not have jurisdiction over the state's political subdivisions (municipal and county governments) but does include the state's university and college systems as well as state-run hospital and penal facilities.

The subject matter jurisdiction of the Public Counsel is very broad; many of the complaints received by the office involve issues that are similar to those addressed by ombudsmen working in the private sector. For instance, the office is often contacted by state employees with job-related complaints similar to complaints addressed by private-sector ombudsmen. Nebraska operates four institutions for the mentally ill and disabled, four veterans' homes, and the University's Medical Center; a significant element of the Public Counsel's caseload originates from within a hospital setting. The Public Counsel has on occasion addressed complaints from students, faculty, and employees of the University of Nebraska and the state's several colleges. However, most cases received by the office involve issues unique to government, such as matters arising in connection with highway construction and maintenance, the state's welfare system, tax collection, and problems of penitentiary inmates.

COSTS

In Fiscal Year 1987-88, the Nebraska Public Counsel program

expended \$222,031. The cost of renting space for the office was approximately \$18,000 (\$15,000 for rental payments and \$3,000 for utilities and janitorial service. All factors considered, it would appear that the real cost of operating the Nebraska Public Counsel Program in Fiscal Year 1987-88 was approximately \$240,000. This total only reflects the direct cost.

BENEFITS

There are four areas of benefits achieved by the Public Counsel program where reasonable dollar values can be attached: (1) savings of management time that would otherwise be used in addressing matters now resolved by the Public Counsel; (2) savings in costs of litigation; (3) savings realized through enhanced productivity and retention of qualified personnel; and (4) management consultation services.

Management Time - The Nebraska Public Counsel has five full-time employees handling casework. They have 8,800 hours to spend on casework (after allowing for all administrative work, supervision, and leave). Eight thousand and eight hundred (8,800) hours represent a full work-year for approximately 4.27 employees. Were it not for the Public Counsel program, at least some of those 4.27 annual work years would be spent by staff of the various public agencies within the Public Counsel's jurisdiction in addressing the matters now being resolved by the Public Counsel. What portion of those 8,800 annual work hours would otherwise be expended by the agencies and what cost may be attached to those hours?

The work of the Public Counsel's staff places some collateral burden on employees of agencies contacted by the Public Counsel's office in completing its labors. It is conservatively estimated that one-third of the time expended annually by the Public Counsel's staff on casework is also time which occupies employees of the various agencies involved in the subject matter of that work.

If this is true, the Public Counsel program is still providing 5,700 hours of time annually in working on matters that would otherwise occupy employees of the agencies involved in responding to those matters. Even if we assume that the agencies would spend as much as 20% less time on those matters than is now being spent by the staff of the Public Counsel program, either because the agencies would tend to be less thorough or because they would simply ignore some matters, the various agencies would still be required to expend

approximately 4,660 work hours annually on work now being performed by the Public Counsel.

Assuming that the work in question, if done by the agencies, would be done by middle management employees earning \$28,000 (\$32,000 annually for salaries and benefits), then the Public Counsel program saves the State of Nebraska approximately \$64,000 annually in time that would otherwise be spent by agency managers.

Costs of Litigation - The Public Counsel program saves the State of Nebraska legal costs that would otherwise be incurred in adjudicating matters now being resolved by the Public Counsel. Experience over the last five years indicates that 57% of the Public Counsel's annual caseload are matured complaints within the office's jurisdiction. In a year with 1,300 cases, that would mean that the Public Counsel would have an actual caseload of 741 cases. If 10% of that annual complaint caseload consisted of matters that would otherwise be adjudicated, 74 additional cases would have reached the courts with associated costs.

It is impossible to identify all the costs that arise from cases in which the state is a defendant. However, these costs would typically include the expense of the state's attorney and that attorney's support staff and services, and the time consumed by employees of the defendant agency in preparing the case for litigation and/or serving as witnesses. Since the state must also provide the judicial system to handle these cases, this author argues that an alternate form of dispute resolution, such as the Public Counsel program, saves the state dollars by reducing the burden on the courts.

If we assume that half of the Nebraska Attorney General's total annual expenditure (\$1,000,000) reflects the direct costs of the work of that office in defending the state in civil litigation, then that office is expending \$1,666 on each of the 600 new defense cases opened annually. Assuming the Public Counsel saves the state from having to litigate 74 cases annually, this results in a saving to the state of over \$123,000 per year.

Another cost consequence of civil suits against the state is the expense incurred when employees of the defendant agency spend time preparing and/or participating in that litigation. The employees of the defendant agency prepare litigation reports or summaries for the state's attorney. They assist in preparation of responses to interrogations and serve as witnesses at dispositions or trials. (Indeed, larger state agencies are usually involved in so many lawsuits that much of the time of the agency's staff attorney may be

spent just in coordinating the agency's work.) A representative of one agency estimated that each case costs an average of \$1,000. Thus, if we assume that the Nebraska Public Counsel avoids 74 cases annually, \$74,000 per year in agency time is saved.

A third area of savings associated with a reduction in lawsuits against the state results from a lessened demand on the state's judicial system. Nebraska has 48 District Judges who handle approximately 3,000 new cases annually. District Judges are paid \$58,000 and Court Reporters \$27,500; with benefits, this amounts to about \$95,000 a year per court. (This figure does not include other costs such as the salaries of court clerks and bailiffs which, in Nebraska, are covered by county expenditures.) If each District Judge is responsible for an average of 625 cases annually, then the average case costs \$150. If the Public Counsel resolved 74 cases that would otherwise reach the courts, this results in a savings of \$11,100 annually. Even if we assumed that only 50 of those 74 cases would actually reach the state court system (some cases might go into federal court), there would still be a savings of \$7,500 for the state's courts.

An attempt to determine the amount of savings resulting from avoiding litigation requires a significant degree of speculation. However, if the Public Counsel's efforts result in avoiding litigation in as few as 10% of the program's adjusted annual caseload (74 cases), then that would have an impact in savings to the state of over \$197,000 annually (\$123,000 in Attorney General's costs and \$74,000 in defendant agency's costs). Moreover, this \$197,000 figure does not include the cost of judgments entered against the state which would in some cases, involve a greater expense to the state than a remedy fashioned through the efforts of the Public Counsel, and does not contemplate the expense to the state that would result in those cases in which the state was required to pay the plaintiff's attorney fees and costs.

Personnel Savings - A segment of the Public Counsel's annual caseload consists of job-related complaints of the employees of agencies within the office's jurisdiction. Obviously, there are a variety of formal grievance mechanisms available to state employees, but experience has shown that the Public Counsel's office provides a very effective means for resolving job-related complaints. The benefits to the state of this service may be measured in terms of the subsequent improvement in job performance of the employees involved and in terms of avoidance of costs connected with recruitment and training of replacements for those employees who would

have otherwise left public service.

The Public Counsel annually receives approximately 60 job-related complaints from state employees. The Public Counsel successfully resolves approximately 40 cases annually involving complaints by state employees who continue in state service after the complaint has been resolved. The average annual salary of a Nebraska state employee was slightly more than \$19,000 in 1987-88. If the successful resolution of an employee grievance results in a 2% annual improvement in employee productivity, then each successfully resolved employee complaint will result in an average annual productivity savings of \$380. Forty successfully resolved job-related complaints annually would result in a total productivity savings of \$15,200.

In some cases, the efforts of the Public Counsel on job-related complaints of state employees will save a valuable employee who would otherwise leave the state service. The Nebraska Department of Personnel has estimated that the cost of recruiting and selecting new employees is approximately \$330 per employee. In addition, the Department of Personnel has estimated that the cost of training and orienting new employees is approximately \$1,980 per employee; replacement costs total \$2,310 per employee.

It is difficult to estimate how many state employees are "saved" by the Public Counsel. Often the key to success in such cases is for the Public Counsel to become involved in the matter at an early stage. Of the approximately 40 successfully job-related complaints addressed by the Public Counsel annually, perhaps ten of those cases result in avoiding the loss of valuable state employees. If it costs the state approximately \$2,310 to recruit, select, and train a new employee, the success of the Public Counsel in keeping ten state employees results in annual savings of \$23,100.

Management Study - Approximately once a year the Public Counsel engages in a project which can fairly be described as a management study. Usually those efforts begin as ordinary cases but, for a variety of reasons, they grow into something much more than simple investigation and attempts at resolution. Instead, they become detailed examinations of the management of entire programs or of important segments of programs.

It is not uncommon for Nebraska state agencies to pay thousands of dollars to private consultants for management studies like those provided by the Public Counsel. Studies conducted by private consultants range over a wide subject matter and can cost the state tens to hundreds of thousands of dollars. The Public Counsel does such a

study approximately once a year. It is true that the studies done by the Public Counsel are largely unsolicited by the agency involved; the agency may, for that reason, be less inclined to accept the recommendations. The fact remains, however, that the Public Counsel's office does regularly perform this function which is worth more than an ordinary case handled by the office. The Public Counsel has, about once a year, completed a study that would cost \$10,000 from a private consultant. Therefore an additional \$10,000 is added to the annual benefits achieved by the Public Counsel program.

ANALYSIS

The cost of the Public Counsel program in Fiscal Year 1987-88 was \$240,000. Benefits may be estimated--very conservatively--as follows:

- (1) \$60,000 in management time saved;
- (2) \$197,000 in litigation savings;
- (3) \$38,000 in personnel savings; and
- (4) \$10,000 in management studies.

These benefits total \$305,000 in direct annual benefits to the state from the activities of the Public Counsel program. Benefits exceed the costs of the program by as much as \$65,000 annually. This total annual benefit estimate is based on conservative figures but even if the total annual benefit estimate of \$305,000 is reduced by 20%, the Public Counsel program would still be more than paying for itself in annual benefits just to the state, let alone to others.

Moreover, this analysis does not cover all the benefits to state governments derived from the Nebraska Public Counsel program. How does one estimate the value of incremental improvements in the efficiency of governmental operations that result from the investigations and recommendations made by the Public Counsel? How does one measure the value of governmental fraud and mismanagement that is uncovered or deterred by the investigations of the Public Counsel? These are areas where the activities of the Public Counsel program clearly benefit the state as a "business" but where no reasonable estimate of dollar value can be determined.

It is important to understand that an ombudsman program is not a "bottom line" proposition. An ombudsman does not exist to make a profit and the significant value of such a program cannot adequately

be measured in terms of whether it returns more than it costs to operate the program. Fundamentally an ombudsman program exists to serve and further principles that cannot satisfactorily be quantified nor subjected to cost-benefit analysis. An ombudsman exists to further the ends of justice, to promote a humane system of administration, and to provide people with options for hearing concerns and for efficient redress of grievances.

Thus, even if we assumed that the quantifiable benefits of an ombudsman program did not exceed the costs of the program that would not mean that the program would be valueless or wasteful. It would simply mean that we had finally succeeded in identifying the actual cost of the program, that is, the difference between the apparent cost and the quantifiable benefits. It would then be necessary to weight that actual cost against the ultimate benefits of the program as a means for pursuit of justice and as a forum to give a hearing to the concerns of human beings.

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