

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, May 16, 2019
1:30 p.m.
Commission Chambers
1915 N. Stiles Avenue, 2nd Floor
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERChairman Mark Liotta

ROLL CALL.....Chairman Mark Liotta

Open Meeting Act Statement

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION. PUBLIC COMMENTS ARE LIMITED TO THE AGENDA ITEMS LISTED.

1. Minutes

The drafted minutes of the April 18, 2019 and May 2, 2019 public meetings of the Commission will be considered for approval.

Possible Action

Possible action may include: taking no action; approving some, all, or none of the minutes listed above as drafted; approving some, all, or none of the minutes as amended; or continuing the matter.

2. Presentation by the Office of the State Auditor and Inspector

The Chairman of the Commission has invited Melissa Capps of the State Auditor and Inspector's office to present on the following:

- The differences and benefits of operational and performance audits;
- The estimated cost of each type of audit; and
- Audit timing possibilities in FY2020.

The Commissioners may ask questions and discuss differences between audits falling under 74 O.S. § 212 and those under § 213.2.

Possible Action

Possible action may include: taking no action; continuing the matter; approving or not approving moving forward with requesting an audit of the Commission by the Office of the State Auditor and Inspector.

3. Discussion and Consideration of Current Commission Policies

The Commission will discuss and consider adopting and/or modifying the following policies:

- a) WCC-2 – Travel Policy
- b) WCC-5 – Performance Management Policy

Possible Action

Possible action on WCC-2 includes: taking no action; continuing the matter; approving WCC-2 as presented; approving WCC-2 as modified in the meeting; or not approving WCC-2.

Possible action on WCC-5 includes: taking no action; continuing the matter; approving WCC-5 as presented; approving WCC-5 as modified in the meeting; or not approving WCC-5.

4. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today’s meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all, or none of the vouchers listed in this Consent Agenda; or continuing the matter.

5. Discussion and Consideration of Reducing the Security Deposit of YRC Worldwide Inc., a Former Own Risk Employer, Permit #19990

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission’s discretion after the two-year waiting period upon application

by the employer and submission of current financial statements and workers' compensation loss runs. The Commission will consider reducing the security deposit of Worldwide Inc.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, releasing or reducing the security deposit of Worldwide Inc., or not releasing or reducing the security deposit of Worldwide Inc., a former own risk employer.

6. Discussion and Consideration of Reducing the Security Deposit of Flowers Bakeries, a Former Own Risk Employer, Permit #19012

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission will consider reducing the security deposit of Flowers Bakeries.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, releasing or reducing the security deposit of Flowers Bakeries, or not releasing or reducing the security deposit of Flowers Bakeries, a former own risk employer.

7. Legislative Update Report

Commissioner Russell will give a report on legislative meetings and legislation affecting the Commission. This report is presented for informational purposes only.

No action will be taken.

8. Update from Compliance Director on His Review of Internal Compliance Policies, Processes, and Procedures

The Compliance Division Director will update the Commission on his observations regarding that Division's internal policies, processes, and procedures.

No action will be taken.

9. Discussion of Communications on Behalf of the Commission

The Commission will discuss the process by which communications on behalf of the Commission are drafted and released.

No action will be taken.

10. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) and § 307(B)(4) for the Purpose of Discussing Personnel Issues and Pending Litigation

A. Motion and Vote to Enter into Executive Session

1. The Commission will evaluate the performance and salary of the Appellate Counsel and discuss potentially restructuring or reorganizing that position within the Commission.
2. The Commission will discuss a pending claim under 25 O.S. § 307(B)(4). *See also* A.G. Opin. 2005-29.

B. Motion and Vote to Reconvene in Open Session

Possible Action

Discussion and possible action on restructuring or reorganizing the position of Appellate Counsel as discussed in executive session. Discussion and possible action on readjusting the salary of the position as discussed in executive session.

No action will be taken on Item 10(A)(2).

11. Announcements

The Commission's next regularly scheduled appeals meeting is on Friday, May 17, 2019. The Commission's next special business meeting is on Thursday, June 14, 2018.

ADJOURNMENT.....Chairman Mark Liotta