REGULAR MEETING OF THE

OKLAHOMA WORKERS’ COMPENSATION COMMISSION

Thursday, September 14, 2017

1:30 p.m.

Commission Chambers

1915 N. Stiles Ave.

Oklahoma City, Oklahoma

www.wcc.ok.gov

**AGENDA**

**CALL TO ORDER Mr. Liotta, Chair**

**ROLL CALL Mr. Liotta, Chair**

**MINUTES**

The drafted Minutes of the Commission Meeting on August 17, 2017 and September 6, 2017 will be considered for approval.

**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. **Discussion and Consideration of Reducing or Releasing the Security Deposit of L Brands, Inc. fka Limited Brands, Inc., Former Own Risk Permit #18064**

A security deposit posted with the Commission as required by 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 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.

A security deposit may be released at the Commission's discretion upon application by the employer and submission of current financial statements and a signed and notarized affidavit, from a duly authorized officer of the employer, affirming that all workers' compensation claims incurred under the own risk permit of the employer have been permanently closed, and the statute of repose for reopening the claims has passed. The Commission will consider reducing or releasing the security deposit of L Brands, Inc. fka Limited Brands, Inc., former own risk permit #18064

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, reducing, releasing, or not reducing or releasing the security deposit of L Brands, Inc. fka Limited Brands, Inc., former own risk permit #18064

**2. Discussion and Consideration of an Audit of the Commission**

With the changeover in Commissioners, the Commission considered requesting an operational audit by the Office of the State Auditor or a private firm at its August 17, 2017, Commission meeting. At that meeting the Commission approved moving forward with soliciting bids for an audit of the Commission. The Commission received a response from this solicitation and will consider whether to move forward with a Commission audit based upon the response received, pursue other options for quotes, or pursue an audit at a future date.

**Possible action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; approving moving forward with an audit of the Commission with a particular vendor based on the response received; pursue other options for quotes; or not pursue an audit at this time.

1. **Discussion and Consideration of Current Commission Policies**

The Commission will discuss and consider the following current Commission policies and determine if any updates are necessary: (a) Computer, Internet and Usage Policy; and (b) Fair Labor Standards Act & Comp Time Policy.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; approving; not approving; or approving a modified version of the one or more of the policies listed in item 2 of this agenda.

1. **Discussion and Consideration of Exercising the Commission's Power to Prescribe Additional Duties and Responsibilities of the Commission Chair**

Under the provisions of Section 19 of Title 85A, Subsection E, the Commission is empowered to impose various additional duties and responsibilities upon the Chair. Due to the uncertainty of whether the Presiding Appellate Officer is inherent in the Chair's authority, the Commission will consider whether to impose the duties of Presiding Appellate Officer upon the Chair. Consistent with Commission Rules 810:10-5-18 and 810:10-5-66 and with the Commission's current practice, the Chair acting as Presiding Appellate Officer is authorized to handle procedural matters, including, but not limited to the following: grant continuances; dismiss for failure to timely file written arguments; enter default judgments for failure to timely file written response; grant applications to file additional briefs; and correct hearing record from Administrative Law Judge. Substantive motions or objections are voted on by the Commission en banc. The Commission may take substantive motions and objections raised during the hearing under advisement as determined by the Presiding Appellate Officer. The Commission en banc rules on matters taken under advisement when it votes on the issuing of its order.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; approving or not approving imposing the proposed additional duty and responsibility of Presiding Appellate Officer upon the Chair.

1. **Consent Agenda for Travel Vouchers Currently Outstanding**

85A O.S. §23 states 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 separately voted upon.

**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; continuing the matter.

1. **Reports**

**THE FOLLOWING REPORTS ARE PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.**

**4th Annual Workers’ Compensation Educational Conference Update Report**

Commissioner Russell will give a report on the 4th Annual Workers’ Compensation Educational Conference being held on Oct. 5th and 6th, 2017.

**Announcements**

The next regular meeting of the Commission is scheduled for October 19, 2017.

**ADJOURNMENT............................................................Mr. Liotta, Chair**