

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, July 27, 2017
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER Mr. Gilliland, Chair
ROLL CALL Mr. Gilliland, Chair
NOTICE OF COMPLIANCE.....Scott Chance

MINUTES

The drafted Minutes of the Commission Meeting on June 15, 2017 and July 19, 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 from the Public Regarding Proposed Emergency Rules

The Commission is proposing changes to the Commission rules addressing certificates of non-coverage. The Commission submitted its Notices of Rulemaking Intent to the Secretary of State, Office of Administrative Rules on June 22, 2017. The Notices of Rulemaking Intent were accepted and published in the Oklahoma Register on July 17, 2017.

The Commission's comment period ran from June 23, 2017 through July 26, 2017. The Commission solicited comments from the public, including comments via email at rules@wcc.ok.gov. The Commission will hear comments and may ask questions from the public on the proposed emergency rules.

Possible Action:

No action is anticipated nor will be taken by the Commission.

2. Discussion and Consideration of Distribution of Surplus Monies to Members of the Oklahoma Operators Self-insurers Fund

Oklahoma Operators Self-Insurers Fund (Association), a group self-insurance association, is requesting a partial distribution of surplus back to its members in the amount of \$500,000 which will be payable from fund years June 30, 2011 (\$275,000), June 30, 2012 (\$150,000), and June 30, 2013 (\$75,000). All claims for these fund years are closed. The Fund's December 31, 2016, financial statement shows an overall surplus for the Fund of \$1,268,902. Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents. The Commission will consider approving the distribution of surplus monies to members of the Oklahoma Operators Self-insurers Fund.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the distribution of the surplus monies to the members of the Oklahoma Operators Self-insurers Fund.

3. Discussion and Consideration of the Fiscal Year 2018 Shared Services Agreement, Appendix C, between the Commission and the Office of Management and Enterprise Services

The Commission will consider approving the renewal of the Shared Services Agreement Appendix C with the Office of Management and Enterprise Services for FY18, encumbering funds in the amount of \$199,723.44. Appendix C of the Agreement includes Information Services. The Agreement signed in FY17 continues until such time as modified or terminated.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, approving as modified or not approving renewing Appendix C of the Shared Services Agreement with the Office of Management and Enterprise Services for FY18 and encumbering funds in the amount of \$199,723.44.

4. Discussion and Consideration of the Statement of Work for a Case Management System Project Manager between Commission and the Office of Management and Enterprise Services

The Commission will consider approving the proposed Statement of Work between the Commission and the Office of Management and Enterprise

Services for a project manager to oversee the Commission's implementation of its case management system.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, approving as modified or not approving the proposed Statement of Work with the Office of Management and Enterprise Services for a project manager.

5. Discussion and Consideration of Bid for Commission File Folders for FY18

The Commission will discuss and consider awarding the bid to Southwest Solutions Group for Commission file folders for FY18.

Possible action:

Possible action may include, but is not limited to: taking no action; awarding the bid; not awarding the bid; or continuing the matter.

6. Discussion and Consideration of a Policy Regarding Dissents by Commission en Banc

Discussion and consideration of a policy requiring a written dissent, which provides clarification of the dissenting Commissioner's reasoning, when he or she votes in opposition to the majority's affirmation of an Administrative Law Judge's order.

Possible action:

Possible action may include but is not limited to: taking no action; approving a dissent policy; approving a modified dissent policy; not approving a dissent policy; or continuing the matter.

7. Discussion and Consideration of Attestation Officer and Alternate Attestation Officer for Administrative Rules

Rule 655:10-7-16 of the Administrative Rules on Rulemaking provides that agencies shall include an attestation in each rule document submitted to the Office of Administrative Rules for Register publication. The representatives should possess the following qualifications: (A) general knowledge of the agency's functions, responsibilities, and internal procedures; (B) familiarity with the substance and procedures of the APA and ARR; (C) familiarity with the statutes or other legal instruments which govern the agency; and (D) if the representative is not responsible for drafting the agency's rules or notices, accessibility to those in the agency who are responsible for drafting the agency's rules and notices. The Commission will consider designating the Commission Counsel as the attestation officer and the Executive Director as the alternate for the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action; designating an attestation officer and/or alternate; not designating an attestation officer and/or alternate; or continuing the matter.

8. 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.

9. 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.

10. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, Candidate C, Candidate D, Candidate E, Candidate F, Candidate G, Candidate H, or Candidate I for the position of Tulsa Administrative Law Judge

A. Motion and Vote to:

Go into Executive Session for purposes of:

Discussing the hiring, salary or employment of Candidate A, Candidate B, Candidate C, Candidate D, Candidate E, Candidate F, Candidate G or Candidate H for the position of Tulsa Administrative Law Judge.

B. Vote to Reconvene in Open Session

No action is anticipated with regard to the hiring, salary or employment of a Tulsa Administrative Law Judge.

Announcements

The next regular meeting of the Commission is scheduled for August 17, 2017.

ADJOURNMENT.....Mr. Gilliland, Chair