

STATE OF OKLAHOMA

**WORKERS’ COMPENSATION COMMISSION**

1915 N. STILES

OKLAHOMA CITY, OKLAHOMA 73105-4918

(405) 522-3222

MINUTES

of the

WORKERS’ COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

October 19, 2017

Regular Public Meeting

MINUTES OF THE MEETING OF THE WORKERS’ COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA

The members of the Workers’ Compensation Commission for the state of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on October 19, 2017.

Members present: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

Others in attendance on behalf of the Commission: Kim Bailey, Clif Cypert, Scott Chance, and Jennifer Reeves.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

**Approval of Minutes**

Chairman Liotta presented the minutes of the September 14, 2017, September 29, 2017, October 10, 2017, and October 16, 2017 public meetings for approval.

***Motion:*** Commissioner Russell moved to approve the minutes of the September 14, 2017, September 29, 2017, October 10, 2017, and October 16, 2017 public meetings.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, Commissioner Tilly.

***The motion carried.***

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

The Commission discussed and considered the following current Commission policies to determine if any updates are necessary: (a) Harassment Free Workplace Policy; and (b) Personnel File Policy. WCC HR Director, Clif Cypert, was recognized, reported, and gave a recommendation.

***Motion:*** Commissioner Russell moved to approve the Personnel File Policy without modification and to approve the Harassment Free Workplace Policy with the modifications as recommended by Clif Cypert.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

1. **Proposed Opening of the Emergency Rulemaking Process to Consider Emergency Rules for the Workers’ Compensation Commission**

The Commission considered opening the Emergency Rulemaking process to provide the Commission with emergency rules related to electronic data interchange (EDI).  Emergency rules are necessary due to the change in the mandatory EDI implementation date and the change in the version of the release required for EDI implementation.  Proposed emergency rules are submitted to the Governor for approval. Executive Director, Kim Bailey, was recognized, reported, and gave a recommendation.

***Motion:*** Commissioner Russell moved to open the emergency rulemaking process as proposed.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

1. **Discussion and Consideration of Appointing Legislative Liaison for Commission**

The Commission discussed and considered approving Commissioner Russell to serve as the Commission's legislative liaison and authorize him to finalize the Commission's legislative requests with the Executive Director after the Director's consultation with Chairman Liotta and Commission Tilly for 2018 Legislative session. In his role as legislative liaison, the Commission considered authorizing him to represent the Commission with legislators, legislative staff, the Governor’s office and other interested parties regarding the commonly agreed legislative requests of the Commission, and to negotiate statutory language to accomplish the spirit of those requests. As proposed, the liaison will have the duty to report progress and status to the Commission on a regular basis during the legislative process.

***Motion:*** Commissioner Tilly moved to appoint Commissioner Russell as legislative liaison with the authorizations as presented in this agenda item 3.

***Second:*** Commissioner Liotta.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

1. **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 and September 14, 2017, Commission meetings. At those meetings the Commission approved moving forward with soliciting bids for an audit of the Commission. The Commission discussed and considered whether to move forward with a Commission audit based upon the response(s) received or pursue an audit at a future date.

CFO, Jennifer Reeves, was recognized, reported, and gave a recommendation. Ms. Reeves reported the Commission only received one (1) bid, despite issuing two (2) solicitations. The one bid was received from the Office of the State Auditor for approximately $19,000. Commission's action was based upon the following factors: (i) the Commission is already scheduled for an audit by the State Auditor in 2019; and (ii) the cost of an audit was higher than anticipated, especially considering the Commission's funding was reduced for FY 2017 and FY 2018.

***Motion:*** Commissioner Russell moved to take no action at this time.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

1. **Modifying Fiscal Year 2018 Contract between the Commission and the Oklahoma Office of the Attorney General**

The Commission considered modifying its current FY18 contract engaging the legal services of the Oklahoma Office of the Attorney General. The current contract includes 60% of a full time equivalent (FTE) employee. The Commission considered modifying the contract, reducing it to 50% FTE. The current cost of the contract is $ 63,447.60. Commissioner Tilly and Assistant Attorney General, John Crittendon, were recognized.

***Motion:*** Commissioner Tilly moved to modify the FY 2018 contract between the Commission and the Oklahoma Office of the Attorney General, reducing it to 50% FTE.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

1. **Discussion and Consideration of Approving the Mutual Settlement Agreement between the Commission and Paul Transportation, Inc., a former self-insured.**

Paul Transportation, Inc. (Paul) is an impaired former self-insured employer. In 2011, the former Workers’ Compensation Court and Self- Insurance Guaranty Fund (SIGF) were granted an allowed claim by the bankruptcy court of $337,500 paid over eight (8) years. The proposed settlement agreement offers a payment of $233,690.33 in full settlement of any remaining amounts owed to the Commission and SIGF by Paul. The Commission discussed and considered approving the proposed Mutual Settlement, Compromise and Release of Claims. Executive Director, Kim Bailey, was recognized, reported, and gave a recommendation.

***Motion:*** Commissioner Russell moved to approve the Mutual Settlement, Compromise and Release of Claims as proposed.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

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 considered a vote to approve the currently outstanding vouchers.

All vouchers listed within this Consent Agenda were made available to each Commissioner prior to the meeting, were considered routine, and are 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.

***Motion:*** Commissioner Tilly moved approval.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

**Announcements**

The next regular meeting of the Commission is scheduled for November 9, 2017.

**ADJOURNMENT……………………………………………………Chairman Liotta**

***Motion:*** Commissioner Russell moved to adjourn.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***