



STATE OF OKLAHOMA

**WORKERS' COMPENSATION COMMISSION**

M I N U T E S

of the

WORKERS' COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

November 9, 2017

Regular Public Meeting

## **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 6, 2017 at 5:05 p.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 48 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

### **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 November 9, 2017.

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

Others in attendance on behalf of the Commission: Kim Bailey, Clif Cypert, Stormy Moore, Dana Esparza, 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 1:32 p.m.

#### **Approval of Minutes**

Chairman Liotta presented the minutes of the October 19, 2017 public meeting for approval.

**Motion:** Commissioner Russell moved to approve the minutes of the October 19, 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) Progressive Discipline Policy; and (b) Education and Training Policy. WCC HR Director, Clif Cypert, was recognized, reported, and gave a recommendation.

**Motion:** Commissioner Tilly moved to adopt the Progressive Discipline Policy with the recommended modifications; and (b) Education and Training Policy without modification as recommended by Clif Cypert.

**Second:** Commissioner Russell.

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

**The motion carried.**

**2. Discussion and Consideration of a Dress Code Policy**

The Commission discussed and considered a dress code policy and the method for developing such a policy.

**Motion:** Commissioner Russell moved authorize HR Director Clif Cypert to assemble a Dress Code Policy Committee and draft a proposed policy for the Commissioners to consider at a future meeting.

**Second:** Commissioner Tilly.

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

**The motion carried.**

**3. Discussion and Consideration of Distribution of Surplus Monies to Members of the Oklahoma Health Care Association (#75175)**

Oklahoma Health Care Association, a group self-insurance association, requested a partial distribution of surplus back to its members in the amount of \$1,500,000 which will be payable from the following five fiscal fund years ending on June 30<sup>th</sup>: FY 13 (\$300,000), FY 14 (\$200,000), FY 15 (\$300,000), FY 16 (\$400,000), and FY 17 (\$300,000).

The Fund's June 30, 2017, financial statement shows an overall surplus for the Fund of more than \$5,346,263 for all years combined. Its financial surplus for fiscal year ending on June 30, 2016, was \$4,722,537 for all years combined.

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 considered approving the distribution of surplus monies to members of the Oklahoma Health Care Association. Stormy Moore, was recognized, reported, and gave a recommendation.

**Motion:** Commissioner Tilly moved to approve the partial distribution of surplus as presented in this agenda item 3.

**Second:** Commissioner Russell.

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

**The motion carried.**

**4. Discussion and Consideration of Adoption of Emergency Proposed Amendments to Permanent Rules**

The Commission considered adopting the proposed emergency rules to the finally adopted permanent rules (effective 9/11/17). The proposed emergency rules relate 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. If the proposed emergency amendments are adopted, they are submitted to the Governor and Legislature via the online filing system within ten (10) days of adoption. The Commission considered adopting the proposed emergency rules, which will be effective upon approval of the Governor.

**Motion:** Commissioner Russell moved to adopt as written.

**Second:** Commissioner Tilly.

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

***The motion carried.***

**5. Proposed Approval of Dates for the Commission's 2018 Regular Meeting Schedule**

Under the provisions of Section 311 of Title 25, all public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year. That notice shall be given to the Secretary of State. The Commission considered the following dates for its 2018 regular meeting schedule:

**Business Meeting  
Thursdays- 1:30 p.m.**

January 11, 2018  
February 8, 2018  
March 15, 2018  
April 19, 2018  
May 17, 2018  
June 14, 2018  
July 19, 2018  
August 16, 2018  
September 20, 2018  
October 18, 2018  
November 15, 2018  
December 13, 2018

**Appeals Hearing  
Fridays- 9:00 a.m.**

January 12, 2018 (2<sup>nd</sup> Week)  
February 9, 2018 (2<sup>nd</sup> Week)  
March 16, 2018  
April 20, 2018  
May 18, 2018  
June 15, 2018  
July 20, 2018  
August 17, 2018  
September 21, 2018  
October 19, 2018  
November 16, 2018  
December 14, 2018 (2<sup>nd</sup> Week)

***Motion:*** Commissioner Russell moved to adopt meeting dates as propped.

***Second:*** Commissioner Tilly.

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

***The motion carried.***

**6. 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 were made available to each Commissioner prior to today’s meeting, are 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 to approve travel claims as proposed.

**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 December 14, 2017.

**ADJOURNMENT.....Chairman Liotta**

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

**Second:** Commissioner Russell.

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

**The motion carried**