

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, January 22, 2015
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER..... Mr. Wilson, Chair

ROLL CALL Mr. Wilson, Chair

NOTICE OF COMPLIANCE..... Holly Miller

MINUTES

- a. The drafted Minutes of Regular Commission Meeting on December 18, 2014, will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. Discussion and Consideration of an Assessment and an Assessment Rate for the Oklahoma Option Insured Guaranty Fund

Title 85A O.S. § 206(A) of the Oklahoma Employee Injury Benefit Act (Act) requires carriers to pay annually to the Workers' Compensation Commission a fee, at the rate to be determined by the Commission, but not to exceed three percent (3%) on all written premiums resulting from the writing of insurance under this act on risks within the state.

Title 85A O.S. § 208 provides that in making its determination the Commission shall determine the surplus in the Oklahoma Option Insured Guaranty Fund (Fund) by December 31st of each year. At the Commission's December regular meeting, it made the determination that there was no surplus in the Fund. The Fund has a \$0.00 balance. The Commission shall determine the rate of assessment for the Fund on or before March 1st. 85A O.S. § 208(A)(2). The Commission will consider the annual assessment rate for the Oklahoma Option Insured Guaranty Fund.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving an assessment at a rate of 3% of all written premiums resulting from the writing of insurance under this act, or approving a different assessment rate percentage.

2. Discussion and Consideration of an Assessment and an Assessment Rate for the Oklahoma Option Self-insured Guaranty Fund

Title 85A O.S. § 207(A) of the Oklahoma Employee Injury Benefit Act (Act) requires self-insured employers to pay annually to the Workers' Compensation Commission a fee, at the rate to be determined by the Commission, but not to exceed three percent (3%) of the written premium which would have to be paid by a carrier if the self-insured employer were insured by a carrier.

The Fund has a \$0.00 balance. Assessment payments are to be made directly to the Commission on or before April 1st to be deposited in the Oklahoma Option Self-insured Guaranty Fund. 85A O.S. § 208(B)(2). The Commission will consider the annual assessment rate for the Oklahoma Option Self-insured Guaranty Fund.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving an assessment at a rate of 3% of the written premium which would have to be paid by a carrier if the self-insured employer were insured by a carrier or approving a different assessment rate percentage.

3. Commission Adoption of Travel Policy

Proposed for the Commission's consideration is a Commission travel policy. The Commission travel policy provides for necessary and reasonable travel expenses incurred for authorized Commission business. The intent of the policy is that payment be fair, equitable, and efficient for both the traveler and the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, adopting the proposed travel policy as stated, or adopting a different travel policy.

4. 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.

5. Consent Agenda for Payments Made from the Workers' Compensation Fund Currently Outstanding

85A O.S. §22(A)(5) states that all expenditures in the administration of the act shall be allowed and paid from the Workers' Compensation Fund on the presentation of itemized vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

Possible Action:

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

6. Reports

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

Report on the Permanent and Emergency Rulemaking Process and the Forms Revision Process

The Commission submitted its Notices of Rulemaking Intent to the Secretary of State, Office of Administrative Rules on December 22, 2014. It also submitted the proposed permanent rules to the Governor's office and its Cabinet Secretary, the Secretary of State's Office. The Governor's office has reviewed the proposed permanent rules. The Notices of Rulemaking Intent were accepted and published in the Oklahoma Register on January 15, 2015. The Commission has filed its notification of fees with the State Online Filing System.

The proposed Commission Forms have also been posted to the Commission website under the Resources tab. Notification has been given to interested parties that a copy of the proposed rules and forms and the rule impact statements are available on the Commission's website. The Commission is currently in the thirty day (30) day comment period that runs from January 15, 2015 through February 16, 2015. Comments may be submitted to rules@wcc.ok.gov. A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

Report from Andrea Bair, Deputy Insurance Services

Andrea Bair will report on the individual own risk employer permits issued by the Insurance Division and provide an overview of the security required to be posted by those employers.

7. Possible Executive Session for two Purposes:

- I) Pursuant to Title 25 O.S. § 307(B)(1) for the Purpose of Discussing Employment Evaluations of Commission's Executive Director, Deputy Director and Deputy, Insurance Services**

- II) Confidential Communications Between the Commission and Its Attorneys Concerning Pending Claim with Penloyd, LLC and F&M Bank & Trust Company Pursuant to Title 25 O.S. § 307(B)(4); and**

Pursuant to 25 O.S. § 307 (B)(1), an Executive Session is proposed for the purpose of the performance evaluations of the Commission's Executive Director, Deputy Director and Deputy, Insurance Services.

Additionally, pursuant to 25 O.S. § 307(B)(4), an Executive Session is proposed for the purpose of conducting confidential communications between the Commission and its attorneys concerning a pending claim involving the Commission, Self-insurance Guaranty Fund Board, Penloyd, LLC, a former self-insured, and F&M Bank & Trust Company.

The Commission's counsel from the Attorney General's Office has advised that public disclosure of the communications relating to this claim will seriously impair the ability of the Commission and their counsel to respond to the pending mediation and claim.

- a. Motion and Vote to (A) Determine That Disclosure Will Seriously Impair the Ability of the Commission to Respond to the claim, and (B) to go Into Executive Session for both Purposes Stated Above**

 - b. Vote to Reconvene in Open Session**
- 8. a. No action is anticipated nor will be taken by the Commission on the Employment Evaluations of the Executive Director, Deputy Director or Director, Insurance Services.**
- b. Discussion and Possible Action on the Level of Settlement Authority to Give the Commission's General Counsel, if any, at the Mediation between Penloyd, LLC's Receiver, F&M Bank, the Self-insurance Guaranty Fund Board and the Commission Scheduled for January 26, 2015.**
- 9. Any Matter Not Known About or Which Could Not Have Been Reasonably Foreseen Prior to Posting the Agenda**

10. Announcements

Commission's next regularly scheduled meeting is Thursday, February 19, 2015.

ADJOURNMENT.....Mr. Wilson, Chair