

OKLAHOMA WORKERS' COMPENSATION COMMISSION
SPECIAL MEETING MINUTES
NOVEMBER 19, 2020, 10:00 A.M.

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Special Business Meeting was filed with the Secretary of State's office on Friday, November 12, 2020, at 8:12 a.m. in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE NOVEMBER 19, 2020 SPECIAL BUSINESS MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on November 19, 2020.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Alexander Watkins, WCC; Eric Russell, WCC; Ian Steedman, WCC; Andrea Delling, WCC; James Lawson, WCC; and Collin Fowler, WCC.

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 10:00 a.m.

1. Approval of Minutes

The drafted minutes of the November 10, 2020, Special Meeting of the Commission will be considered for approval.

Motion: Commissioner Tilly moved to approve the minutes of the November 10, 2020, Special Business Meeting.

Second: Commissioner Russell.

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

The motion carried.

2. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states, [a]ny 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 travel 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 voted upon separately.

Motion: Commissioner Tilly moved to approve the travel vouchers.

Second: Commissioner Russell.

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

The motion carried.

3. **Request to Reduce Security Deposit for Montereau, Inc., Own Risk Permit #19896**

Montereau, Inc. (“the Company”), own risk permit #19896, has petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$400,000 Letter of Credit, issued by BOK Financial as a security deposit. They are requested a reduction of their security deposit to \$250,000. The company has a total of \$140,000 in open claims.

The Company has complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to reduce the required security deposit for Montereau, Inc. to \$250,000.

Second: Commissioner Tilly.

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

The motion carried.

4. **Discussion and Possible Action on the Modification and Renewal of the Expiring 5-Year Contract with Insurance Office Services (ISO) from an EDI Implementation/Maintenance Agreement to a 5-Year Sole Source Maintenance Agreement commencing 5/28/2021**

The Commission discussed and considered modification and renewal of the EDI contract with ISO from an implementation/maintenance agreement to a sole source 5-year maintenance contract commencing 5/28/2021, at a rate of \$68,850 for the initial year and 2% increase per year over the next 4 years, as detailed in the following schedule:

COST BY YEAR (5-YEAR TERM)	
5/28/21 – 5/27/22 (Initial Year)	\$ 68,850
5/28/22 – 5/27/23 (Year 2)	\$ 70,227

5/28/23 – 5/27/24 (Year 3)	\$ 71,632
5/28/24 – 5/27/25 (Year 4)	\$ 73,064
5/28/25 – 5/27/26 (Year 5)	\$ 74,525
Total 5-Year Contract	\$358,298

ISO maintenance services of EDI would continue to be classified as sole source until such time as modified or terminated.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Eric Russell was recognized and answered questions of the Commission.

Motion: Commissioner Russell moved approval of the agenda item, as proposed.

Second: Commissioner Tilly.

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

The motion carried.

5. **Discussion and Possible Action on the Workers’ Compensation Commission’s CC-Joint Petition Form and Setting the Effective Date**

Title 85A O.S. § 22(A)(2)(a) provides: “[t]he Commission shall vote on any substantive change to any form and the effective date of such substantive change.” The Commission considered modifications and take possible action on the proposed draft CC-Joint Petition form.

Eric Russell was recognized, presented, and answered questions of the Commission.

Lauren Hammonds Johnson was recognized, presented comments

Motion: Commissioner Tilly moved to adopt the proposed form with an effective date of January 1, 2021, and to instruct staff to send out a copy of the form with notice of the proposed effective date.

Second: Commissioner Russell.

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

The motion carried.

6. **Discussion and Possible Action on the Workers’ Compensation Commission’s CC-Form 1A and CC-Form 1A Spanish, and Setting the Effective Date**

Title 85A O.S. § 22(A)(2)(a) provides: “[t]he Commission shall vote on any substantive change to any form and the effective date of such substantive change.” The Commission considered modifications to CC-Form 1A and CC-Form 1A Spanish.

a. Discussion and Possible Action on new the draft of CC-Form 1A.

b. Discussion and Possible Action on new the draft of CC-Form 1A Spanish.

Motion: Commissioner Russell moved to approve the revised CC-Form 1A and CC-Form 1A Spanish with an effective date of January 1, 2021.

Second: Commissioner Tilly.

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

The motion carried.

7. **Discussion and Approval of Dates for the 2021 Regular Meetings of the Physician Advisory Committee and Corresponding Dual Commission Meetings Pursuant to 85A O.S. § 17(E)**

Under 25 O.S. § 311, all public bodies shall give notice in writing to the Secretary of State 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. The Commission will consider approving the following dates for the 2021 regular meetings of the Physician Advisory Committee (“PAC”) and the Commission’s corresponding Dual PAC meetings, pursuant to its authority in 85A O.S. § 17(E):

**Proposed Dual Business Meetings of
the Physician Advisory Committee and the Workers’ Compensation Commission**

Fridays at 2:00 p.m.

2nd floor En Banc Courtroom, 1915 N. Stiles Ave., Oklahoma City, OK

March 26, 2021

June 11, 2021

September 10, 2021

November 5, 2021

Motion: Commissioner Tilly moved to approve the proposed dates.

Second: Commissioner Russell.

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

The motion carried.

8. **Discussion and Possible Action Regarding the Transfer of Excess Proceeds from 86500/701 Fund to the 67500/705 Fund**

Title 85A O.S. § 99(B) states:

Excess proceeds from the security remaining after each claim for benefits of an impaired self-insurer has been paid, settled or lapsed, and associated costs of administration of such claim have been paid, shall be transferred to the Self-insurance Guaranty Fund and may be used as a credit against the assessment required to be paid by each private self-insurer and group self-insurer association pursuant to Section 98 of this title, as determined by the Self-insurance Guaranty Fund Board.

At its November 13, 2020, business meeting, the Self-insurance Guaranty Fund (“SIGF”) Board found that pursuant to Section 99(B) of Title 85A, all remaining excess proceeds in the listed accounts were eligible for transfer from the 701 Fund to the 705 Fund. The SIGF Board passed a motion that the funds be transferred to the SIGF 705 Fund accordingly. The following fund accounts were found eligible by the SIGF Board for transfer under Section 99(B):

	<u>Fund Account Numbers</u>
Hagale Industries, Inc. Self-Insurance Number: 17436	2500001
BFN Operations, LLC Self-Insurance Number: 20059	4300001
Tri-B Nursery, Inc. Self-Insurance Number: 19478	4300002
Blitz USA, Inc. Self-Insurance Number: 19245	4000001
Arrow Trucking, Inc. Self-Insurance Number: 17276	3600001
Venture Stores, Inc. Self-Insurance Number: 17240	2400001
Memorex-Telex Corp. Self-Insurance Number: 14366	1400001
Unarco, LLC Self-Insurance Number: 11536	1900001
Consolidated Freightways, Inc. Self-Insurance Number: 11026	0300001

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved the Commission, pursuant to Section 99(B) of Title 85A fulfill its statutory obligation to transfer the fund accounts listed to the SIGF Board.

Second: Commissioner Tilly.

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

The motion carried.

9. **Discussion and Possible Action Regarding Operation of the Workers’ Compensation Commission and Agency Concerns Related to COVID-19**

Chairman Liotta issued an update on employee exposure to COVID-19. One WCC employee has tested positive and is under quarantine. Although the employee did not exhibit any symptoms at work, an alert was distributed reminding costumers and stakeholders that current COVID-19 protocols will not be modified. The CEC is under quarantine and have been working from home because of possible exposure.

Lauren Hammonds Johnson reported on the status of SB 661. She stated that the bill’s ended on November 15, 2020, and the previous rules are now in effect. Teleconference meetings now require that the majority of the members of a public body appear in-person.

Commissioner Russell encouraged WCC employees to stay familiar with the CDC guidelines. He suggested the creation of a questionnaire for employees who believe they have been exposed or tested positive for COVID-19 to establish an accurate timeline of contraction. He mentioned that he is pleased no one has contracted COVID-19 directly from the WCC by following guidelines.

Hopper Smith found it noteworthy that the Commission has been functional while limiting exposure to COVID-19. He said the Commission is doing a great service to the public and the state by remaining self-disciplined and adhering to protocols.

Commissioner Russell advised supervisors to remind employees, after Thanksgiving break, to be vigilant and observant of any symptoms they may have. Stay in communication with the people that you meet with during Thanksgiving. The following weeks after the holidays will be an important time to monitor the trend of COVID-19 cases.

Chairman Liotta stated the governor issued an order regarding the use of masks for state employees.

Lauren Hammonds Johnson reported on the Governor's Seventh Amended Executive Order 2020-20, which detailed the mask requirement in state buildings.

Chairman Liotta stated that the WCC's processes were already in compliance with the governor's new order.

Chairman Liotta asked the Administrative Director to keep the Commission updated on the trend of COVID-19 cases. The numbers of infected people are going up.

Commissioner Russell reassured employees not to fear losing their jobs for telling supervisors they have been exposed to COVID-19. There are plenty of resources available to accommodate employees who are affected by the pandemic, like FMLA and the option to work from home.

10. **Announcements**

The Commission's next regular appeals meeting is on Friday, November 20, 2020. The Commission's next regular business meeting is on Thursday, December 17, 2020.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Russell.

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

The motion carried.

The meeting adjourned at 2:55 p.m.