

OKLAHOMA WORKERS' COMPENSATION COMMISSION
REGULAR MEETING MINUTES
DECEMBER 17, 2020, 1:30 P.M.

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Business Meeting was filed with the Secretary of State's office on Thursday, November 7, 2019, at 4:22 p.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 DECEMBER 17, 2020 REGULAR 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 December 17, 2020.

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

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Alexander Watkins, WCC; James Lawson, WCC; Ian Steedman, WCC; Collin Fowler, WCC; Andrea Delling, WCC; Dr. Jay Cannon, 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 1:30 p.m.

1. Approval of Minutes

The minutes of the November 19, 2020, Special Meeting of the Commission were considered for approval.

Motion: Commissioner Tilly moved to approve the minutes of the November 19, 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. Discussion and Possible Action on Approval of Independent Medical Examiners for the Commission

Title 85A O.S. § 112 requires the Workers’ Compensation Commission to create, maintain, and review a list of licensed physicians who shall serve as independent medical examiners (“IME”). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured employees. The period of qualification for physicians shall be two (2) years.

The Commission considered approving the list of physicians presented at the meeting that have been vetted by the General Counsel and recommended to have their applications approved.

Dr. Cannon was recognized, presented, gave his recommendation, and answered questions of the Commission.

Motion: Commissioner Tilly moved to approve the proposed IME list and instructed counsel to make a note to add case managers onto the next agenda for consideration.

Second: Commissioner Russell

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

The motion carried.

4. Request to Reduce Security Deposit for Great Plains Coca-Cola Bottling Company, Former Own Risk Permit #17344

Great Plains Coca-Cola Bottling Company (“the Company”), former own risk permit #17344, was a self-insured employer in the Own Risk program until May 1, 2016. The Company petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$3,500,000 Letter of Credit, issued by US Bank as security deposit. They requested a reduction of their security deposit to \$250,000. They had outstanding claims in the amount of \$110,503.

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

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

Motion: Commissioner Tilly moved to reduce the security deposit of Great Plains Coca-Cola Bottling Company to \$250,000.

Second: Commissioner Russell

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

The motion carried.

5. Update and Discussion regarding the Denver N. Davison Building Renovation and Tulsa Office Relocation.

Chairman Liotta presented and answered questions of the Commission.

No action will be taken.

6. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) and Possible Action.

A. Motion and Vote to Enter into Executive Session pursuant to 25 O.S. § 307(B)(1) for purposes of discussing the employment of the Legal Operations Director.

Motion: Commissioner Tilly moved to enter into Executive Session.

Second: Commissioner Russell

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

The motion carried.

B. The Commission discussed the employment of the Legal Operations Director pursuant to 25 O.S. § 307(B)(1).

C. Motion and Vote to Reconvene in Open Session

Motion: Commissioner Tilly moved to reconvene in Open Session.

Second: Commissioner Russell

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

The motion carried.

D. Motion on Executive Session

Motion: Commissioner Russell moved to continue Legal Operations Director, Eric Russell's employment as a part-time employee at the amount discussed in Executive Session.

Second: Commissioner Tilly

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

The motion carried.

7. Discussion and Possible Action Regarding Operation of the Workers' Compensation Commission and Agency Concerns Related to COVID-19

The Commission discussed the updated CDC quarantine guidelines.

Commissioner Tilly and Hopper Smith stated that the new timeline for quarantine is 10 days for asymptomatic people and 14 days for individuals who are symptomatic.

Commissioner Tilly stated that some private businesses are still following the 14 day quarantine because the CDC advised that it is the most effective way to slow the spread of the virus.

Chairman Liotta stated that a few WCC employees have been affected by the COVID-19 virus, and there is an expectation that it may impact more employees over time. He asked Hopper Smith to work with the Division Directors to recognize that each situation is different and apply the WCC's policy consistently.

Commissioner Russell advised the directors to remind employees to be forthcoming if they are exposed to the virus over the holidays. He said that no one will pass judgment or face disciplinary action because they contracted COVID-19.

Commissioner Tilly said that some private businesses confiscate the credentials of infected employees to restrict their access to the building during quarantine. She did not think the WCC needed to mirror that protocol at this current state.

Chairman Liotta agreed with Commissioner Tilly's thoughts regarding badge confiscation.

Lauren Hammonds Johnson informed the Commission of the Governor's amended Executive Order extending mask usage in state buildings for visitors and employees when not socially distanced.

No action was taken on this agenda item.

8. **New Business**

"[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting." 25 O.S. § 311.

There was no new business.

9. **Announcements**

The Commission's next regular appeals meeting is on Friday, December 18, 2020. The Commission's next regular business meeting is on Thursday, January 28, 2020.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved to adjourn.

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

The motion carried.

The meeting adjourned at 2:37 p.m.