

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, April 18, 2019  
1:30 p.m.  
Commission Chambers  
1915 N. Stiles Avenue, 2<sup>nd</sup> Floor  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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## *AGENDA*

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**CALL TO ORDER .....Chairman Mark Liotta**

**ROLL CALL.....Chairman Mark Liotta**

### **Open Meeting Act Statement**

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION. PUBLIC COMMENTS ARE LIMITED TO THE AGENDA ITEMS LISTED.**

**1. Minutes**

The drafted minutes of the March 7, 2019, March 11, 2019, March 14, 2019, March 29, 2019, and April 4, 2019 public meetings of the Commission will be considered for approval.

**Possible Action**

Possible action may include: taking no action; approving some, all, or none of the minutes listed above as drafted; approving some, all, or none of the minutes as amended; or continuing the matter.

**2. Consent Agenda for Travel Vouchers Currently Outstanding**

85A O.S. § 23 states that 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 voted upon separately.

**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; or continuing the matter.

**3. Discussion and Consideration of Releasing the Security Deposit of Enovation Controls LLC, a Former Own Risk Employer, Permit #17553**

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission will consider releasing the security deposit of Enovation Controls LLC.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, releasing or reducing the security deposit of Enovation Controls LLC, or not releasing or reducing the security deposit of Enovation Controls LLC, a former own risk employer.

**4. Legislative Update Report**

Commissioner Russell will give a report on legislative meetings and legislation affecting the Commission. This report is presented for informational purposes only.

No action will be taken.

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

The Commission will discuss and consider adopting and/or modifying the following policy:

- a) WCC-2 — Travel Policy

**Possible Action:**

Possible action includes: taking no action; continuing the matter; approving WCC-2 as presented; approving WCC-2 as modified in the meeting; or not approving WCC-2.

**6. Discussion and Consideration to Request an Audit of the Commission by the Office of the State Auditor and Inspector**

The Commission will consider requesting a performance audit in accordance with 74 O.S. § 213.2. The audit will provide the Commission with an independent evaluation of the performance, management, and expenditures of the Commission.

**Possible Action:**

Possible action may include: taking no action; continuing the matter; approving or not approving moving forward with requesting an audit of the Commission by the Office of the State Auditor and Inspector.

**AGENCY CONTRACT RENEWALS**

**7. Discussion and Consideration of Proposed Lease for 3rd Floor Office Space for Fiscal Year 2020**

The Commission will discuss and consider renewing a lease with the Office of Management and Enterprise Services (OMES) for the 3rd Floor office space in the Denver Davison Building for FY-2020 in the amount of \$84,948.00.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the lease with OMES in the amount of \$84,948.00, or not approving the lease.

**8. Discussion and Consideration of Proposed Lease for Tulsa Office Space for Fiscal Year 2020**

The Commission will discuss and consider renewing a lease with the Office of Management and Enterprise Services (OMES) for the Tulsa office space in the Kerr State Office Building for FY-2020 in the amount of \$46,699.56.

**Possible Action:**

Possible action may include: taking no action, continuing the matter, approving the lease with OMES in the amount of \$46,699.56, or not approving the lease.

**9. Discussion and Consideration of Renewal of a Contract between the Commission and Lowery and Associates for Court Reporting Services for Fiscal Year 2020**

The Commission will discuss and consider renewing a contract between the Commission and Lowery and Associates for court reporting services for FY-2020. The cost of the contract is \$61,225.00.

**Possible Action:**

Possible action may include: taking no action, continuing the matter, approving or not approving renewal of the contract with Lowery and Associates in the amount of \$61,225.00.

**10. Discussion and Consideration of Renewal of the Shared Services Agreement Between the Commission and the Office of Management Enterprise Services for Fiscal Year 2020**

The Commission will discuss and consider renewing the Shared Services Agreement with the Office of Management Enterprise Services for FY-2020, encumbering funds in the amount of \$535,135.38. This Agreement includes Risk Management, Information Services, Human Capital Management, and Central Accounting and Reporting. The Agreement signed in 9/20/16 continues until such time as modified or terminated.

**Possible Action:**

Possible action may include: taking no action, continuing the matter, approving or not approving renewal of the Shared Services Agreement with the Office of Management Enterprise Services for FY-2020 and encumbering funds in the amount of \$535,135.38.

**11. Discussion and Consideration of Renewal of Self-insurance Guaranty Fund Board Contract for Fiscal Year 2020**

Under 85A O.S., § 99 the Commission may contract with an appropriate state governmental entity, as approved by the Commission, for claims administration, including processing, investigating, and paying valid claims against an impaired self-insurer with the monies from the released security.

The Commission will discuss and consider approving a one-year renewal of the contract with the Self-insurance Guaranty Fund Board in the amount of \$30,880.00 for workers' compensation claims administration services dealing with the security posted by a self-insurer and released for the payment of the self-insurer's workers' compensation obligations.

**Possible Action:**

Possible action may include: taking no action, continuing the matter, approving or not approving the one-year renewal contract with the Self-insurance Guaranty Fund Board for FY-2020 in the amount of \$30,880.00.

**12. Discussion and Consideration of Renewing the Contract between the Commission and - Insurance Services Office (ISO) for Electronic Data Interchange (EDI) Services for Fiscal Year 2020**

The Commission will discuss and consider approving the continuation of its contract with ISO for EDI maintenance services through VERISK for FY-2020. The cost of the contract is \$63,500.00.

**Possible Action**

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving renewal of the contract with ISO, in the amount of \$63,500.00.

**13. Discussion and Consideration of Renewal of a Contract Via Statewide Contract SW1046A Between the Commission and Westlaw for Online Legal Library Services for Fiscal Year 2020**

The Commission will discuss and consider approving renewal of its subscription pursuant to a statewide contract for Westlaw Law Library Services for FY-2020. The cost of the contract is \$18,953.16

**Possible Action:**

Possible action may include: taking no action, continuing the matter, approving or not approving renewal of the contract with Westlaw via Statewide Contract SW1046A, in the amount of \$18,953.16.

**14. Discussion and Consideration of Continuing a Contract for Fiscal Year 2020 Between the Commission and Objectstream for Development of a New Case Management System (Case OK)**

The Commission will discuss and consider a renewing a contract between the Commission and Objectstream for deployment and completion of Phase 1 of a new case management system (Case OK) for FY-2020. The cost of the contract is \$915,000.00.

**Possible Action:**

Possible action may include: taking no action, continuing the matter, approving or not approving renewal of a contract with Objectstream for deployment and completion of Phase 1 of a new case management system (Case OK) for FY-2020, in the amount of \$915,000.00.

**15. Discussion and Consideration of Renewing the Memorandum of Understanding (MOU) between the Commission and Self-Insurance Guaranty Fund (SIGF) Board for Fiscal Year 2020**

The MOU establishes the services performed by the Commission’s Chief Financial Officer for the SIGF Board and the Board’s payment for the Commission’s costs in providing such services. The Commission will discuss and consider approving a one-year renewal of the MOU with the SIGF Board for FY-2020 in the amount of \$5,000.00.

**Possible Action:**

Possible action may include: taking no action, continuing the matter, approving or not approving renewal of the MOU between the Commission and Self-insurance Guaranty Fund Board for FY-2020 in the amount of \$5,000.00.

**16. Discussion and Consideration of Proposed Fiscal Year 2020 Contract Between the Commission and the Office of the Oklahoma Attorney General**

The Commission will discuss and consider a proposed contract engaging the legal services of the Office of the Oklahoma Attorney General for FY-2020. The cost of the contract is \$52,749.96.

**Possible Action**

Possible action may include: taking no action, continuing the matter, approving or not approving the contract with the Office of the Oklahoma Attorney General in the amount of \$52,749.96.

**17. Discussion and Consideration of Continuation of a Contract for Fiscal Year 2020 Between the Commission and the Office of Management Enterprise Services/ISD**

The Commission will discuss and consider renewal of its contract with the Office of Management Enterprise Services/ISD for IT project oversight during the development and deployment of the Case OK System through Objectstream for FY-2020. The cost of the contract is \$32,000.00.

**Possible Action**

Possible action may include: taking no action, continuing the matter, approving or not approving the contract with the Office of Management Enterprise Services/ISD in the amount of \$32,000.00.

**18. Discussion and Consideration of Proposed Fiscal Year 2020 Contract Between the Commission and Standleys**

The Commission will discuss and consider renewal of a contract for services of the 3<sup>rd</sup> floor color copier for FY-2020. The cost of the contract is \$5,744.99.

**Possible Action**

Possible action may include: taking no action, continuing the matter, approving or not approving the contract with Standleys in the amount of \$5,744.99.

**EXAMINATION OF COMPLIANCE DIVISION  
POLICIES, PROCESSES, AND PROCEDURES**

**19. Update from Compliance Director on His Review of Internal Compliance Policies, Processes, and Procedures**

The Compliance Division Director will update the Commission on his observations regarding that Division's internal policies, processes, and procedures.

No action will be taken.

**20. Discussion and Consideration of WCC Rule 810:25-7-2**

The Commission will discuss and consider Commission Rule 810:25-7-2 (Hearing process and Consent Agreements) and its application. The discussion may include the need for a rule revision or memo that would serve to better clarify the rule's intent.

**Possible Action:**

Possible action may include: taking no action; continuing the matter; directing staff to put Rule 810:25-7-2 on the list of Commission rules to consider revising during the next rulemaking period; directing staff to draft an internal memo explaining the Commission's interpretation of the rule.

**21. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) for the Purpose of Discussing Personnel Issues:**

**A. Motion and Vote to enter into Executive Session.**

1. The Commission will discuss and evaluate the performance of each of the members in the Compliance Division, to include all investigators and the Compliance Division Director. The Commission may also discuss the management of that Division by the Commission and Executive Director.

2. The Commission will evaluate the performance of the Appellate Counsel and discuss potentially restructuring or reorganizing that position within the Commission.

**B. Motion and Vote to Reconvene in Open Session.**

**Possible Action:**

No action will be taken on Item 21(A)(1).

Discussion and possible action on restructuring or reorganizing the position of Appellate Counsel as discussed in executive session.

**22. Announcements**

The Commission's next regularly scheduled appeals meeting is on Friday, April 18, 2019. The Commission's next regularly scheduled business meeting is on Thursday, May 16, 2018.

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