

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, May 17, 2018
1:30 p.m.
Commission Chambers
1915 N. Stiles Avenue, 2nd Floor
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERChairman Mark Liotta
ROLL CALL.....Chairman Mark Liotta

MINUTES

The drafted minutes of April 19, 2018, April 26, 2018 and May 3, 2018 public meetings of the Commission will be considered for approval.

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. Discussion and Consideration of Reducing the Security Deposit of Gerdau Ameristeel US Inc., Former Own Risk Employer

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 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 reducing the security deposit of Gerdau Ameristeel, US Inc., a former own risk employer.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or reducing or not reducing the security deposit of Gerdau Ameristeel US Inc., a former own risk employer.

2. Proposed Commission Approval of Group Self-Insurance Application for New Membership:

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by Commission Rule 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement and estimated standard and discounted premium the applicant will pay during the period between the application effective date and the association's renewal.

The Commission will consider approving the application of **#881 Primeaux Dealerships, LLC dba Primeaux Mitsubishi** for new membership to the **Oklahoma Automobile Dealers Self-Insured Association (#75058)**.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving or not approving the application for new membership.

3. Proposed Opening of the Emergency Rulemaking Process to Consider Emergency Rules for the Workers' Compensation Commission

The Commission will consider opening the emergency rulemaking process to develop emergency rules pertaining to the Oklahoma Legislature's enactment of SB1249 (2018) creating the Affidavit of Exempt Status (in lieu of a Certificate of Noncoverage) and Cancellation of an Affidavit of Exempt Status. Proposed emergency rules are submitted to the Governor for approval.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving the opening of the emergency rulemaking process as proposed, or as modified at the meeting; or not approving the opening of the emergency rulemaking process.

4. Proposed Opening of the Form Adoption, Revision and Repealer Process to Consider New Forms, Form Revisions and Form Repealers to the Workers' Compensation Commission Forms

Title 85A O.S. § 22 provides before the adoption, amendment or modification of any form, the Commission shall give thirty (30) days' notice of its intended action and provide an opportunity for public comment, following the rulemaking process. The Commission will consider opening the form adoption, revision and repealer process to provide for necessary modification to forms and adopting new forms to provide for processes not currently addressed by the existing forms.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; or approving or not approving the beginning of the form adoption, revision and repealer process to adopt new forms, amend forms or repeal forms.

5. Consent Agenda for Travel Vouchers Currently Outstanding

Title 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 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; continuing the matter.

6. Discussion and Consideration of Proposed Fiscal Year 2019 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-2019. The cost of the contract is \$52,749.96.

Possible Action

Possible action may include, but is not limited to: 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.

7. Discussion and Consideration of Proposal to Replace Carpeting on the First Floor of the Denver Davison Building in Oklahoma City, Oklahoma

The Commission will discuss and consider a proposal to replace carpeting on the first floor of the Denver Davison Building in Oklahoma City, Oklahoma, including associated expenditures.

Possible Action:

Possible action includes, but is not limited to: taking no action; continuing the matter; approving replacement of the carpeting, and associated costs thereof as

proposed, or as modified at the meeting; or not approving replacement of the carpeting and associated costs thereof.

8. Discussion and Consideration of Contracting With a Vendor for Courier Services for Fiscal Year 2019

The Commission will discuss and consider contracting with a vendor for courier services for FY-2019.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving or not approving contracting with a vendor for courier services for FY-2019; or continuing the matter.

9. Discussion and Consideration of the Commission's Fiscal Year 2019 Budget

The Commission will engage in preliminary discussions and consideration of its proposed FY-19 budget.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving, approving as amended or not approving the Commission's FY-19 budget as proposed.

10. Discussion and Consideration of Requiring a Trading Partner Agreement Adopted by the Commission to be Submitted By Each Trading Partner Prior to Submitting Claims Information Via the Commission's Electronic Data Interchange (EDI) Program

Commission Emergency Rule 810:1-1-8(c) provides that if required by the Commission, a trading partner agreement adopted by the Commission shall be submitted by each trading partner prior to submitting claims information via EDI. The rule also states the signing party understands 85A O.S., § 6 applies to each First Report of Injury (FROI) and Subsequent Report of Injury (SROI) submission and the party is signing under penalty of perjury as prescribed by 85A O.S., § 123. The Commission will discuss and consider adopting a trading partner agreement prescribed by the Commission and requiring it to be submitted by each trading partner prior to submitting claims information via the Commission's EDI program.

Possible Action:

Possible action may include, but is not limited to: taking no action; adopting or not adopting a trading partner agreement, as proposed, or as modified by the Commission at the meeting, and requiring or not requiring it to be submitted by each trading partner prior to submitting claims information via the Commission's EDI program; or continuing the matter.

11. Discussion and Consideration of Current Commission Personnel Policy

The Commission will discuss and consider the Commission's current Performance Management Policy and determine if any updates are necessary.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving, not approving, or approving a modified version of the Performance Management Policy.

12. Presentations and Reports

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

A. Legislative Update Report

Commissioner Russell will give a report on legislative meetings and legislation affecting the Commission.

B. Educational Outreach Report and Presentation

Chairman Liotta will give a presentation and report on the Commission's educational outreach efforts.

13. Announcements

The Commission's next regularly scheduled appeals meeting is on May 18, 2018. The Commission's next regularly scheduled business meeting is on June 14, 2018.

ADJOURNMENT.....Chairman Mark Liotta