

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, June 20, 2019
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

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 May 16, 2019 public meeting of the Commission will be considered for approval.

Possible Action

Possible action may include: taking no action; approving the minute as drafted; approving the minutes as amended; or continuing the matter.

2. Discussion and Consideration of Reducing the Security Deposit of Albertson's Inc., a Former Own Risk Employer, Permit #17320

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 reducing the security deposit of Albertson's Inc.

Possible Action:

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

3. 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.

4. Discussion and Consideration of Current Commission Policies

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

- a) WCC-2 – Travel Policy
- b) WCC-5 – Performance Management Policy

Possible Action

Possible action on WCC-2 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.

Possible action on WCC-5 includes: taking no action; continuing the matter; approving WCC-5 as presented; approving WCC-5 as modified in the meeting; or not approving WCC-5.

5. Discussion and Consideration of Consolidation and Amendment of Commission forms for Requesting Claims File Information

There are currently two different forms available to request claims file information, for requesters who are both exempt and not exempt from the search fee prescribed by 85A O.S. §120. The Commission will consider a different form consolidating the two forms into one.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, adopting the proposed organizational chart, adopting an amended organizational chart or maintaining the existing Claims File Request Form.

6. Discussion and Consideration of Approval of Annual Report

Pursuant to 85A O.S. § 101(A), on or before the first day of July each year the Commission shall prepare, make public, and submit a report for the prior calendar year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the Legislature. The report shall contain a statement of the number of awards made and the causes of the accidents leading to the injuries for which the awards were made, total work load data of the administrative law judges, including a detailed report of the work load and judgments written by each judge, a detailed statement of the expenses of the Commission, together with any other matter which the Commission deems proper to report.

The Commission will discuss and consider approval of the 2018 Annual Report as presented at the meeting.

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 2018 Annual Report.

7. Discussion and Consideration of Amending the Commission's Organizational Chart

The staff has been operating under its current organizational chart since March 2018. After a recent review of the organizational chart, a change in the organizational structure may be necessary. The Commission will discuss and consider adopting the proposed organizational chart.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, adopting the proposed organizational chart, adopting an amended organizational chart, or maintaining the existing organizational chart.

8. 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.

9. Proposed 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 workers. The period of qualification for physicians shall be two (2) years.

The Commission will consider approving the list of physicians presented at the meeting that have been vetted by the Medical Director and recommended to have their applications approved.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving some, all, or none of the physicians for the Commission.

10. Discussion and Consideration of Commission's FY19 Budget

The Commission will discuss and consider approval of its FY19 Budget, as proposed.

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 FY19, as proposed.

11. 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.

12. Discussion and Consideration Regarding Potential Revisions to the Commission Responsibility Memo

On June 26, 2017, the Commission’s Executive Director circulated a memo detailing the responsibilities of the Chairman and of the Commission as a whole. The Commission will discuss and consider revising the memo to reflect changes to the agency that have been made within the intervening time frame.

Possible Action

Possible action may include, but is not limited to: taking no action; continuing the matter; or adopting a revised memo as discussed in the meeting.

13. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) for the purpose of Discussing the Employment and Salaries of all of the Administrative Law Judge Positions

A. Motion and Vote to Enter into Executive Session.

B. Motion and Vote to Reconvene in Open Session

Possible Action

Possible action may include adjusting the salaries of each of the Administrative Law Judge positions as discussed in executive session.

14. Announcements

The Commission’s next regularly scheduled appeals meeting is on Friday, June 21, 2019. The Commission’s next special business meeting is on Friday, June 21, 2019.

ADJOURNMENT.....Chairman Mark Liotta