

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**SPECIAL MEETING MINUTES**  
**JUNE 30, 2020, 1:30 P.M.**

**STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Special Business Meeting was filed with the Secretary of State's office on Wednesday, June 24, 2020, at 11:15 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 JUNE 30, 2020 SPECIAL BUSINESS MEETING OF THE**  
**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2<sup>nd</sup> floor, Oklahoma City, Oklahoma, on June 30, 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; James Lawson, WCC; Collin Fowler, WCC; Andrea Delling, WCC; Eric Russell, WCC; Ian Steedman, 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 drafted minutes of the June 18, 2020, Special Meeting of the Commission will be considered for approval.

***Motion:*** Commissioner Tilly moved to approve the minutes of the June 18, 2020 Special Business Meeting.

***Second:*** Commissioner Russell.

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

***The motion carried.***

**2. Request to Fully Release the Security Deposit for Warren Professional Building Corp, Former Own Risk Permit #18200**

Warren Professional Building Corp. (the Company), former own risk permit #18200, was a self-insured employer in the Own Risk program until June 17, 2018. The Company petitioned the Commission to fully release the Company's security deposit on file. The Commission held a \$350,000 Letter of Credit, issued by Prosperity Bank, as a security deposit.

All claims are closed out and have passed the statute of limitations for reopening. The Company complied with Commission Rule 810:25-9-19.

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

***Motion:*** Commissioner Russell moved to release the security deposit of Warren Professional Building Corp. as recommended.

***Second:*** Commissioner Tilly.

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

***The motion carried.***

**3. Request to Approve the Distribution of Surplus Monies to Members of the Oklahoma Operators Self-Insurers Fund (#75292)**

Rule 810:25-11-10 of the Workers' Compensation Commission provides that any distributions of surplus funds back to the members of a group self-insurance association shall be subject to the prior approval of the Commission.

The Oklahoma Operators Self-Insurers Fund (the Group) requested to make a partial distribution in the amount of \$350,000, which will be payable from Fund Years 2014 (\$162,000), 2015 (\$103,000), and 2016 (\$85,000). All claims for these fund years are closed.

The Group had a financial surplus of more than \$932,061 for all years combined, as indicated in the audited financial statement for the period ending December 31, 2019.

The Group submitted the audited financial statement for the year ending December 31, 2019 in support of their request.

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

***Motion:*** Commissioner Russell moved to approve distribution of surplus monies to the members of the Oklahoma Operators Self-Insurers Fund in the total amount of \$350,000.

*Second:* Commissioner Tilly.

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

*The motion carried.*

**4. Request to Reduce Security Deposit for Flex-N-Gate, Former Own Risk Permit #19362**

Flex-N-Gate (the Company), former own risk permit #19362, was a self-insured employer in the Own Risk program until June 1, 2015. The Company petitioned the Commission to reduce the Company's security deposit on file. The Commission held a \$1,175,000 Letter of Credit as security deposit. The Company had an outstanding loss reserve of \$978,894. It requested a reduction of their security deposit to \$1,075,000 (Decrease of \$100,000).

The Company 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 security deposit of Flex-N-Gate, a former own risk in employer, from \$1,175,000 to \$1,075,000 as recommended by the Director.

*Second:* Commissioner Tilly.

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

*The motion carried.*

**5. 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 discussed and considered approval of the 2019 Annual Report as presented at the meeting.

Collin Fowler was recognized, presented, and answered questions of the Commission. He stated that additional EDI data is forthcoming, which will be important to include in the Report.

**Motion:** Commissioner Tilly moved to continue this item to the next meeting.

**Second:** Commissioner Russell.

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

*The motion carried.*

**6. Discussion and Possible Action Regarding Objectstream Phase II Agreement**

Discussion regarding the proposed agreement with Objectstream for implementation of Phase II of the CaseOK project. The Commission considered whether to approve the agreement for signature.

Hopper Smith was recognized, presented, and answered questions of the Commission.

**Motion:** Commissioner Russell moved to approve the agreement as proposed and directed the Chairman to sign on behalf of the Commission.

**Second:** Commissioner Tilly.

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

*The motion carried.*

**7. Discussion and Consideration of Commission Policies**

The Commission discussed and considered adopting and/or modifying the Commission's policy WCC-14 – Workplace Violence and Anti-Bullying Policy.

Lauren Hammonds-Johnson was recognized, presented and answered questions of the Commission.

**Motion:** Commissioner Tilly moved to continue this item to the next business meeting.

**Second:** Commissioner Russell.

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

*The motion carried.*

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

Chairman Liotta commented on Commission operations during the pandemic.

Commissioner Russell commented on COVID-19 cases in surrounding states and work safety measures at the Commission.

Commissioner Tilly commented on the current environment of COVID-19 as a whole and recommended an edit to the Interim Guidance.

***Motion:*** Commissioner Tilly moved to adopt the Amended Interim Guidance for Commission Appellate Proceedings with modifications.

***Second:*** Commissioner Russell.

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

***The motion carried.***

## **9. Discussion and Consideration of Commission's FY2021 Operating Budget**

The Commission discussed and considered approval of its FY2021 operating budget, as proposed.

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

***Motion:*** Commissioner Russell moved to approve the Commission's FY2021 operating budget.

***Second:*** Commissioner Tilly.

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

***The motion carried.***

## **10. Possible Executive Session Pursuant to 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, performance, and/or salary of each individual Commission employee.**

***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, performance, and/or salary of each individual Commission employee 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 Tilly moved to adopt salary adjustments as proposed in the Executive Session.

*Second:* Commissioner Russell

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

*The motion carried.*

**11. Announcements**

The Commission’s next SIGFB Meeting is on Wednesday, July 15, 2020, at 1:00 p.m. The Commission’s next regular business meeting is on Thursday, July 16, 2020, at 1:30 p.m. The Commission’s next appeals meeting is on Friday, July 17, 2020, at 9:00 a.m.

**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.**