

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, August 15, 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 August 6, 2019 public meeting of the Commission will be considered for approval.

Possible Action

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

2. Discussion and Consideration of Reducing the Security Deposit of AT&T Corp., a Former Own Risk Employer, Permit #00325

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 AT&T Corp.

Possible Action:

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

3. Discussion and Consideration of Approving Distribution of Surplus Monies to the Members of Oklahoma Automobile Dealers Self-Insurers Fund (#75088)

Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents. The Commission will consider approving the distribution of surplus monies to members of the Oklahoma Automobile Dealers Self-Insurers Fund.

Oklahoma Automobile Dealers Self-Insurers Fund, a group self-insurance association, is requesting a partial distribution of surplus funds back to its members in the amount of \$4,200,000 which will be payable from the following Fund years: FY 18-19 (\$1,500,000), FY 17-18 (\$1,100,000), FY 16-17 (\$200,000), FY 15-16 (\$1,000,000; and FY 14-15 (\$400,000).

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the distribution of the surplus monies to the members of the Oklahoma Automobile Dealers Self-Insurers Fund.

4. Discussion and Consideration of Approving Distribution of Surplus Monies to Members of the Metropolitan Health Care Self-Insurers Fund (#75220)

Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents. The Commission will consider approving the distribution of surplus monies to members of the Metropolitan Health Care Self-Insurers Fund.

Metropolitan Health Care Self-Insurers Fund, a group self-insurance association, is requesting a partial distribution of surplus funds back to its members in the amount of \$8000,000 which will be payable to all current members who participated in contract years 2013, 2014, 2015, and 2016. \$200,000 per each year (2013, 2014, 2015, and 2016).

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the distribution of the surplus monies to the members of the Metropolitan Health Care Self-Insurers Fund.

5. Discussion and Consideration of Requesting 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.

6. Discussion and Consideration of Continuation of the Contract between the Commission and Applied Computer Systems, Inc. for Maintenance Services of the WCIS Data System for Fiscal Year 2020

The Commission will discuss and consider approving the continuation of a sole source contract with Applied Computer Systems, Inc. for maintenance services of the WCIS data system for FY-2020. The cost of the contract is \$91,851.57.

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 Applied Computer Systems, Inc. in the amount of \$91,851.57.

7. 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.

8. Discussion and Consideration of Current Commission Policies

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

- a) WCC-865 – Progressive Discipline Policy

Possible Action

Possible action on WCC-865 includes: taking no action; continuing the matter; approving WCC-865 as presented; approving WCC-865 as modified in the meeting; not approving WCC-865; or rescinding WCC-865.

9. Discussion and Consideration Regarding Memorandum of Understanding with the Court of Existing Claims

The Commission will discuss entering into a Memorandum of Understanding governing the Tulsa office space with the Court of Existing Claims to effectuate provisions of House Bill 2367.

Possible Action

Possible action may include, but is not limited to: taking no action on the MOU; continuing the MOU; or adopting an MOU as discussed in the meeting.

10. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) and (B)(4)

A. Motion and Vote to Enter into Executive Session.

1. The Commission will discuss the employment evaluation, promotion, salary or performance of each of the following Commission personnel:
(A) Compliance Investigator Ray Andrews.
2. The Commission will discuss a pending action under 25 O.S. § 307(B)(4) to draft a Memorandum of Understanding governing records storage with the Court of Existing Claims to effectuate provisions of House Bill 2367.

B. Motion and Vote to Reconvene in Open Session

Possible Action:

No action is anticipated nor will be taken with regard to the employment evaluation, promotion, salary or performance of the Compliance Investigator Ray Andrews.

No action is anticipated nor will be taken with regard to the Memorandum of Understanding.

Announcements

The Commission's next special appeals meeting is on Friday, August 23, 2019. The Commission's next special business meeting is on Thursday, September 5, 2019.

ADJOURNMENT.....Chairman Mark Liotta