

**REGULAR MEETING OF THE
OKLAHOMA WORKERS’ COMPENSATION COMMISSION**

Thursday, August 20, 2020
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER **Commissioner Liotta**

ROLL CALL **Commissioner Liotta**

Open Meeting Act Statement

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. Discussion and Possible Action on Minutes

The drafted minutes of the July 16, 2020, Special 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. Request to Approve the Distribution of Surplus Monies to Members of the Oklahoma Automobile Dealers Self-Insurance Association (#75088)

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 Automobile Dealers Self Insured Association (“the Group”) has requested to make a partial distribution of \$4,500,000, which will be payable in the following amounts from the indicated fiscal year (“FY”); \$1,500,000 (FY 19-20); \$1,300,000 (FY 18-19); \$500,000 (FY 17-18); \$300,000 (FY 16-17); \$300,000 (FY 15-16); \$200,000 (FY 14-15); \$200,000 (FY 13-14); and \$200,000 (FY 12-13). The partial distribution will be made to all of the current active or otherwise qualified members which participated in those fiscal years.

The Group appears to be a healthy, well-managed group and has been profitable every year of existence. The Group's current financial surplus is \$13,660,021 for all years combined, as indicated in the financial statement for the period ending on March 31, 2020.

The Group has submitted the actuarial review of reserves and the audited financial statement for the year ending March 31, 2020 in support of their request. The Group maintains reserves as recommended in the Group's Actuarial Reserve Analysis as of 3/31/19 and will continue to have a surplus in each of these four fiscal years if this distribution is approved.

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 Insured Association.

3. **Request to Approve the Distribution of Surplus Monies to Members of the Oklahoma Association of Electric Self-insurers Fund (#75034)**

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 approval of the Commission.

The Oklahoma Association of Electric Self-insurers Fund ("the Group") has requested to make a partial distribution in the amount of \$1,731,608. The distribution will be payable from the following three fiscal fund years ending on December 31: FY 2011 (\$1,696,716), FY 03 (\$23,052), and FY 01 (\$11,840).

The Group had a financial surplus of more than \$11,059,853 for all three years combined, as indicated in the audited financial statement for the period ending December 31, 2019.

The Group has submitted the following items in support of their request: a disbursement review, which includes factors the Association considers when evaluating a disbursement; minutes from the June 1, 2020, Board of Trustees meeting; information concerning the Group's investments, claims, and loss ratio; an audited balance sheet for December 31, 2019; audited income statement for the twelve months ending December 31, 2019; and a members' equity allocation schedule through December 31, 2019.

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 Association of Electric Self-insurers Fund.

4. **Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding**

Title 85A O.S. § 23 states, [a]ny 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 travel 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.

5. **Discussion and Consideration of WCC-14 –Workplace Violence and Anti-Bullying Policy**

The Commission will discuss and consider proposed changes to the Commission’s policy WCC-14 Workplace Violence and Anti-Bullying Policy.

Possible Action:

Possible action on WCC-14 includes: taking no action; continuing the matter; approving WCC-14 as presented; approving WCC-14 as modified in the meeting; or not approving changes to WCC-14.

6. **Discussion and Consideration of WCC-1 Fair Labor Standards Act & Comp Time Policy**

The Commission will discuss and consider proposed changes to the Commission’s policy WCC-1 Fair Labor Standards Act & Comp Time Policy.

Possible Action:

Possible action on WCC-1 includes: taking no action; continuing the matter; approving WCC-1 as presented; approving WCC-1 as modified in the meeting; or not approving changes to WCC-1 Fair Labor Standards Act & Comp Time Policy.

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

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving a plan(s) regarding operations of the Workers' Compensation Commission in response to the threat of COVID-19.

8. **New Business**

“[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting.” 25 O.S. § 311.

9. **Announcements**

The Commission's next appeals meeting is on Friday, August 21, 2020, at 9:00 a.m. The Commission's next Dual Advisory Meeting is on Thursday, September 3, 2020. The Commission's Dual PAC meeting is on Friday, September 11, 2020. The Commission's next regular business meeting is on Thursday, September 17, 2020.

ADJOURNMENT.....Chairman Mark Liotta