

OKLAHOMA WORKERS' COMPENSATION COMMISSION
REGULAR MEETING MINUTES
AUGUST 20, 2020, 1:30 P.M.

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Business Meeting was filed with the Secretary of State's office on Thursday, November 7, 2019, at 4:22 p.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 AUGUST 20, 2020 REGULAR BUSINESS MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on August 20, 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; Ian Steedman, WCC; Collin Fowler, WCC; Andrea Delling, WCC; Chris Sturm, guest.

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 July 16, 2020, Regular Meeting of the Commission were considered for approval.

Motion: Commissioner Tilly moved to approve the minutes of the July 16, 2020, Regular Business Meeting.

Second: Commissioner Russell.

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

The motion carried.

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.

James Lawson was recognized, presented, and answered question of the Commission. Chris Sturm, representing the Oklahoma Automobile Dealers Self-Insurance Association, was recognized.

Motion: Commissioner Russell moved to approve partial distribution in the amount of \$4,500,000 to the members of the Oklahoma Automobile Dealers Self Insured Association.

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 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 Co-Operatives 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.

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

Motion: Commissioner Tilly moved to approve the distribution of \$1,731,608 to the members per the recommendation.

Second: Commissioner Russell.

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

The motion carried.

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.

Motion: Commissioner Russell moved to approve as recommended.

Second: Commissioner Tilly.

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

The motion carried.

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

The Commission discussed and considered changes to 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 approve the amended WCC-14 Policy.

Second: Commissioner Russell.

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

The motion carried.

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

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

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

Chairman Liotta stated that staff listings should be by position and not by the employees’ names. He also recognized Lauren Hammonds Johnson’s hard work on both of the WCC policies presented.

Motion: Commissioner Tilly moved approve the WCC-1 Fair Labor Standards Act & Comp Time Policy as amended.

Second: Commissioner Russell.

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

The motion carried.

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

Commissioner Russell stated that he was pleased with how the Commission is operating and believes everyone generally feels safe in the workplace. He gave his thanks to the employees and directors for their efforts.

Commissioner Tilly stated that she felt the agency is running smoothly after some adjustments.

Chairman Liotta noticed that the number of COVID-19 cases are going down and the hearings are running smoothly and the work load is manageable.

Commissioner Russell recognized that some employees have kids starting school virtually. He encouraged directors to accommodate those employees if they can work from home, if possible, without taking excessive leave.

No action was taken on this item.

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.

There was no new business.

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

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Liotta.

Those voting aye: Chairman Liotta and Commissioner Russell.

The motion carried.

The meeting adjourned at 1:46 p.m.