

MINUTES
OF THE
SEPTEMBER 20, 2018 REGULAR MEETING



OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 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 SEPTEMBER 20, 2018 REGULAR 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 September 20, 2018.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Sarah Greenwalt, WCC; Dana Esparza, WCC; Collin Fowler, WCC; Stormy Moore, WCC; and Eric Russell, 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.

Approval of Minutes

Chairman Liotta presented the minutes of the July 18, 2018, August 23, 2018, and September 7, 2018, public meetings for approval.

Motion: Commissioner Tilly moved to approve the minutes of the July 18, 2018, August 23, 2018, and September 7, 2018 public meetings.

Second: Commissioner Russell.

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

The motion carried.

1. Discussion and Consideration of Distribution of Surplus Monies to Members of the Oklahoma Operators Self-Insurers Fund.

Oklahoma Operators Self-Insurers Fund, a group self-insurance association, is requesting a partial distribution of surplus monies back to its members in the amount of \$227,000. The distribution will be payable from Fund Year 2014 (\$155,000) and Fund Year 2013 (\$72,000). There are no open claims for either of those Fund Years.

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 Operators Self-Insurers Fund.

James Lawson was recognized, reported, and made a recommendation. He recommended to defer until January 2019, due to losses, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to continue this agenda item until January of 2019.

Second: Commissioner Tilly.

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

The motion carried.

2. Discussion and Consideration of Releasing the Security Deposit of AdvancePierre Foods, Inc., Former Own Risk Permit #18039:

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.

AdvancePierre Foods, Inc. was purchased by another individual own risk employer, Tyson Foods, Inc. permit #12220. Tyson Foods, Inc. has adjusted its permit and security deposit to reflect this change.

James Lawson was recognized, reported, recommended releasing AdvancePierre Foods, Inc. Security Deposit, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to release the security deposit.

Second: Commissioner Russell.

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

The motion carried.

3. Consent Agenda for Travel Vouchers Currently Outstanding:

Title 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.

Stormy Moore was recognized, reported, recommended releasing the security deposit of Beaver County Memorial Hospital, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to approve the consent agenda as written.

Motion: Commissioner Tilly moved to modify the motion to approve the consent agenda as written with the exception of her own.

Second: Chairman Liotta.

Those voting aye: Chairman Liotta, and Commissioner Tilly.

Abstain: Commissioner Russell.

The motion carried.

Motion: Chairman Liotta moved to approve Commissioner Tilly's travel voucher.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, and Commissioner Russell.

Abstain: Commissioner Tilly.

The motion carried.

4. Proposed Opening of the Form Adoption, Revision, and Repealer Process to Consider New Forms, Form Revisions and Form Repealers to the Current Workers' Compensation Commission Forms

Title 85A O.S. § 22 provides that before the adoption, amendment, or modification of any form, the Commission shall give thirty (30) days' notice of its intended action and provide an opportunity for public comment, following the rulemaking process. The Commission will consider opening the form adoption, revision, and repealer process to provide for necessary modifications to forms and potentially adopting new forms to provide for processes not currently addressed by the existing forms.

Proposed forms for revision to include the following:

- (A.) Affidavit of Exempt Status, and**
- (B.) Attorney Change of Address.**

Sarah Greenwalt was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to open the form adoption, revision, and repealer process.

Second: Commissioner Russell.

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

The motion carried.

5. Consideration of Directing the CFO to Establish Commissioner Salary Consistent with 85A O.S. § 19.

Section 19 of Title 85A provides that “[e]ach commissioner shall receive a salary equal to that paid to a district judge of this State” The Commissioners will consider directing the Commission’s CFO to establish Commissioner pay consistent with that Section.

Sarah Greenwalt was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to direct the Commission’s CFO to establish Commissioner pay consistent with Section 19 of Title 85A.

Second: Commissioner Tilly.

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

The motion carried.

6. Discussion and Consideration of Current Commission Policies

The Commission will discuss and consider the following current Commission policy or policies and determine if any updates are necessary: (1) WCC-4, the Personnel File Policy, and (2) WCC-19, The Certified Public Manager Policy.

Collin Fowler was recognized, reported, recommended approval of the Commission Policies as updated, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the Commission Policies as presented.

Second: Commissioner Russell.

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

The motion carried.

7. Announcements

The Commission’s next regularly scheduled business meeting is on October 18, 2018. The Commission’s next regularly scheduled appeals meeting is on September 21, 2018.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved adjourn.

Second: Commissioner Russell.

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

The motion carried. The meeting adjourned.