

OKLAHOMA WORKERS' COMPENSATION COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 21, 2023 2:00 P.M.

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Business Meeting was filed with the Secretary of State's office 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 21, 2023, REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., in the En Banc Courtroom, Oklahoma City, Oklahoma, on September 21, 2023.

Members present: Chairman Jordan Russell, Commissioner Tilly and Commissioner Scott Biggs.

Others Present: Ian Steedman, WCC; Alexander Watkins, WCC; Tava Jones, WCC; Sharon Smith, WCC; Collin Fowler, WCC; Andrea Delling, WCC; Christopher Lindsey-Outlaw, LegisOK; Joe McIntosh, OMES; John Phillips, OMES; Michael Toland, OMES; Rodney Helt, OMES; Joseph French, OMES; and Steve Burton, OMES.

Chairman Russell expressed appreciation for those in attendance. After the roll was taken, Chairman Russell found a quorum present and called the meeting to order at 2:00 p.m.

1. Discussion and Possible Action to Approve Minutes

The drafted minutes of the August 17, 2023, Regular Meeting of the Commission will be considered for approval.

Commissioner Biggs moved to approve the Minutes of the August 17, 2023 Regular Meeting. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

2. **Discussion and Possible Action to Approve the 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.”

All travel vouchers listed within the Consent Agenda were made available to each Commissioner prior to the meeting.

Commissioner Biggs moved to approve the travel vouchers. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

3. **Request and Possible Action to Reduce Security Deposit for Navistar Inc. a Subsidiary of IC Bus of Oklahoma LLC, Own Risk Permit #19208**

Navistar Inc. a subsidiary of IC Bus of Oklahoma LLC (“the Company”), own risk permit #19208, was a self-insured employer in the Own Risk program until July 31, 2019. They petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$2,000,000 Letter of Credit, issued by Bank of America as security deposit. They requested a reduction of their security deposit to \$1,000,000. The company currently had five outstanding claims with reserves totaling \$190,134.

The Company has complied with Commission Rule 810:25-9-19.

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

Commissioner Biggs moved to accept the recommendation of the Permitting Director and reduce security deposit from \$2,000,000 to \$1,000,000. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

4. **Discussion and Possible Action to Approve Commission’s FY2025 Operating Budget**

The Commission discussed and considered approval of its FY2025 Operating Budget, as proposed.

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

Commissioner Tilly moved to approve the FY2025 Operating Budget. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

5. **Update, Discussion, and Possible Action regarding the RFP Results for the Contracted Court Reporters for the Oklahoma City and Tulsa Offices**

The Commission discussed and considered possible actions regarding the RFP results for Court Reporters.

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

Commissioner Tilly moved to issue an authority order in the amount of \$24,000 for purposes of filling the Tulsa court reporting requirements. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

6. **Discussion and Possible Action to Approve Applications for Appointment as Certified Workers' Compensation Mediators**

Title 85A O.S. § 110 tasks the Commission with certifying individuals who are eligible and qualified to serve as mediators. An individual may be certified as a mediator if the applicant meets the qualifications as required by the Commission in Section 110.

The Commission considered the certified mediator applications presented at the meeting, which has been vetted by the Legal Operations Director and recommended for approval.

Ian Steedman was recognized, presented, and answered questions of the Commission.

Commissioner Biggs moved to approve Malcolm D. Smith Jr.'s application, contingent upon the completion of COE credits, and approve Robert C. Simpson Jr.'s application as it stands. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

7. **Discussion and Possible Approval of New Developer for WCC Website**

The current WCC website has a sunset date of May 1, 2024. The Commission considered moving forward with Granicus as the new website host for the WCC.

Collin Fowler was recognized, presented, and answered questions of the Commission.

Commissioner Biggs moved to adopt the Granicus bid for next year. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

8. **Discussion and Possible Action to Rescind COVID Restrictions and Authorize Access to the Denver Davison Building, for Mediations in the Afternoon, to the Public**

Commissioner Biggs presented and answered questions.

No action was taken.

9. **Discussion and Possible Action on Serious Issues and Concerns Regarding Building Security and Safety of Employees in OKC and Tulsa**

Commissioner Biggs was recognized, presented, and answered questions of the Commission.

OMES staffers were recognized, presented, and answered questions of the Commission.

No action was taken.

10. **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.

ADJOURNMENT.....Chairman Russell

Commissioner Biggs moved to adjourn. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried, and the meeting adjourned at 3:57 p.m.