



STATE OF OKLAHOMA

**WORKERS' COMPENSATION COMMISSION**

M I N U T E S

of the

WORKERS' COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

September 14, 2017

Regular Public Meeting

MINUTES OF THE MEETING OF THE WORKERS' COMPENSATION COMMISSION  
FOR THE STATE OF OKLAHOMA

The members of the Workers' Compensation Commission for the state of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on September 14, 2017. Members present: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

Others in attendance on behalf of the Commission: Kim Bailey, Clif Cypert, Scott Chance, Stormy Moore, and Jennifer Reeves.

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 August 17, 2017 and September 6, 2017 public meetings for approval.

***Motion:*** Commissioner Russell moved to approve the minutes of the August 17, 2017 and September 6, 2017 public meetings.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Jordan Russell.

Those abstaining: Commissioner Tilly

***The motion carried.***

**1. Discussion and Consideration of Reducing or Releasing the Security Deposit of L Brands, Inc. fka Limited Brands, Inc., Former Own Risk Permit #18064**

A security deposit posted with the Commission as required by 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 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.

A security deposit may be released at the Commission's discretion upon application by the employer and submission of current financial

statements and a signed and notarized affidavit, from a duly authorized officer of the employer, affirming that all workers' compensation claims incurred under the own risk permit of the employer have been permanently closed, and the statute of repose for reopening the claims has passed. WCC Director of Insurance Services, Stormy Moore, was recognized, reported, and gave a recommendation. The Commission considered reducing or releasing the security deposit of L Brands, Inc. fka Limited Brands, Inc., former own risk permit #18064

**Motion:** Commissioner Tilly moved to release the security deposit of L Brands, Inc. fka Limited Brands, Inc., former own risk permit #18064.

**Second:** Commissioner Russell.

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

**The motion carried.**

## **2. Discussion and Consideration of an Audit of the Commission**

With the changeover in Commissioners, the Commission considered requesting an operational audit by the Office of the State Auditor or a private firm at its August 17, 2017, Commission meeting. At that meeting the commission approved moving forward with soliciting bids for an audit of the Commission. The Commission received a response from this solicitation and considered whether to move forward with a Commission audit based upon the response received, pursue other options for quotes, or pursue an audit at a future date. WCC CFO, Jennifer Reeves, was recognized, reported, and gave a recommendation.

**Motion:** Commissioner Russell moved to recommend the Commission request bids from unregistered vendors.

**Second:** Commissioner Tilly.

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

**The motion carried.**

## **3. Discussion and Consideration of Current Commission Policies**

The Commission discussed and considered the following current Commission policies and determined if any updates were necessary: (a) Computer, Internet, and Usage Policy; and (b) Fair Labor Standards Act & Comp Time Policy. WCC HR Director, Clif Cypert, was recognized, reported, and gave a recommendation.

**Motion:** Commissioner Russell moved to adopt the proposed Commission policies as presented.

**Second:** Commissioner Tilly.

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

**The motion carried.**

4. **Discussion and Consideration of Exercising the Commission's Power to Prescribe Additional Duties and Responsibilities of the Commission Chair**

Under the provisions of Section 19 of Title 85A, Subsection E, the Commission is empowered to impose various additional duties and responsibilities upon the Chair. Due to the uncertainty of whether the Presiding Appellate Officer is inherent in the Chair's authority, the Commission considered whether to impose the duties of Presiding Appellate Officer upon the Chair. Consistent with Commission Rules 810:10-5-18 and 810:10-5-66 and with the Commission's current practice, the Chair acting as Presiding Appellate Officer is authorized to handle procedural matters, including, but not limited to the following: grant continuances, dismiss for failure to timely file written arguments; enter default judgments for failure to timely file written response; grant applications to file additional briefs; and correct hearing record from Administrative Law Judge. Substantive motions or objections are voted on by the Commission en banc. The Commission may take substantive motions and objections raised during the hearing under advisement as determined by the Presiding Appellate Officer. The Commission en banc rules on matters taken under advisement when it votes on the issuing of its order. WCC Executive Director Kim Bailey was recognized, reported, and gave a recommendation.

**Motion:** Commissioner Russell moved that the Commission, pursuant to 85A OS 19 subsection E impose upon the Chair of the Commission the following powers, reserving for the Commission en banc all substantive legal motions filed and all objections of parties raised during any appellate hearing:

- a. To preside over all appellate hearings before the Commission en banc,
- b. To schedule a date and time for pending appeals for hearing,
- c. To issue orders granting continuances of any hearing date or time,
- d. To dismiss with or without prejudice for failure to timely file written arguments,
- e. To enter default judgments for failure to timely file written response,
- f. To grant application to file additional appellate briefs which may include amicus briefs,
- g. To grant additional time for oral argument presentation,
- h. To grant any agreed motions to dismiss upon which do not require any further action of the Commission, and
- i. To correct a hearing record from an Administrative Law Judge.

Along with the power to sign and enter any such orders accomplishing the same.

**Second:** Commissioner Tilly.

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

***The motion carried.***

## **5. Consent Agenda for Travel Vouchers Currently Outstanding**

85A O.S. §23 states 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 considered 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 separately voted upon.

**Motion:** Commissioner Russell moved approval

**Second:** Commissioner Tilly

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

**The motion carried.**

**6. Reports**

**THE FOLLOWING REPORTS ARE PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.**

**4<sup>th</sup> Annual Workers' Compensation Educational Conference Update Report**

Commissioner Russell gave a report on the 4<sup>th</sup> Annual Workers' Compensation Educational Conference being held on Oct. 5<sup>th</sup> and 6<sup>th</sup>, 2017. Communications & Administrative Director Scott Chance was recognized to also report.

**No Action was Taken.**

**Announcements**

The next regular meeting of the Commission is scheduled for October 19, 2017.

**ADJOURNMENT.....Mr. Liotta, Chair**

**Motion:** Commissioner Tilly moved to adjourn.

**Second:** Commissioner Russell.

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

***The motion carried.***