

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, August 17, 2017
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER **Mr. Gilliland, Chair**
ROLL CALL **Mr. Gilliland, Chair**
NOTICE OF COMPLIANCE.....**Scott Chance**

MINUTES

The drafted Minutes of the Commission Meeting on July 27, 2017 and August 4, 2017 will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION. PUBLIC COMMENTS ARE LIMITED TO THE AGENDA ITEMS LISTED.

1. Discussion and Consideration of Distribution of Surplus Monies to Members of the Oklahoma Automobile Dealers Self-Insurance Association

Oklahoma Automobile Dealers Self-Insurance Association, a group self-insurance association, is requesting a partial distribution of surplus back to its members in the amount of \$4,500,000 which will be payable from fund years FY 16-17 (\$1,000,000), FY 15-16 (\$2,000,000), FY 14-15 (\$1,000,000), FY 13-14 (\$300,000), FY 12-13 (\$100,000), and FY 11-12 (\$100,000). All claims for these fund years are closed. The Fund's March 31, 2017 financial statement shows an overall surplus for the Fund of more than \$14,281,000 for all years combined. Their financial surplus last year was \$11,965,578 for all years combined as indicated in the financial statement for the period ending on March 31, 2016. 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 Automobile Dealers Self-Insurance Association.

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-Insurance Association.

2. Discussion and Consideration of Reducing or Releasing the Security Deposit of Kaiser Aluminum & Chemical Corporation, a Former Own Risk Employer Permit #12324

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. The Commission will consider reducing or releasing the security deposit of Kaiser Aluminum & Chemical Corporation, a former own risk employer.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or reducing, releasing, or not reducing or releasing the security deposit of Kaiser Aluminum & Chemical Corporation, a former own risk employer.

3. Discussion and Consideration of Contract for Court Reporter Services for FY18

The Commission will discuss and consider approving the contract for court reporting services by Lowery and Associates for FY18.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the contract; not approving the contract; or continuing the matter.

4. Discussion and Consideration of Adoption of Emergency Proposed Amendment to Permanent Rules

The Commission will consider adopting the proposed emergency rule to the finally adopted permanent rules (effective 9/11/17). If the proposed emergency amendment is adopted, it is submitted to the Governor and Legislature via the online filing system within ten (10) days of adoption. The Commission will consider adopting the proposed emergency rule, which will be effective upon approval of the Governor or on September 12, 2017, whichever is later.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; adopting the proposed rule amendment, in whole or in part; deciding not to adopt the proposed rule amendment; or adopting a modified version of the proposed rule amendment.

5. Discussion and Consideration of Requesting an Audit of the Commission

With the changeover in Commissioners, the Commission will consider requesting a financial audit by the Office of the State Auditor or a private firm. The audit will provide the Commission with an independent evaluation of the performance, management, and expenditures of the Commission for the benefit of the new Commissioner and Chair, as well as those leaving leadership roles in the Commission.

Possible action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving or not approving moving forward with requesting an audit of the Commission by the Office of the State Auditor or a private firm.

6. Discussion and Consideration of Approving a Salary Review Policy

The Commission will discuss and consider approving a performance and salary review policy.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving; not approving; or approving a modified version of the policy.

7. 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 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 separately voted upon.

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; continuing the matter.

8. Reports

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

4th Annual Workers' Compensation Educational Conference Update Report

Commissioner Russell will give a report on the 4th Annual Workers' Compensation Educational Conference being held on Oct. 5th and 6th, 2017.

9. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, or Candidate C for the position of Tulsa Administrative Law Judge; and for the purpose of discussing employment evaluation, promotion, salary or performance of Commission's Administrative Law Judge Blair McMillin

A. Motion and Vote to:

Go into Executive Session for purposes of:

Discussing the hiring, salary or employment of Candidate A, Candidate B, or Candidate C, for the position of Tulsa Administrative Law Judge; and for the purpose of discussing employment evaluation, promotion, salary or performance of Commission's Administrative Law Judge Blair McMillin.

B. Vote to Reconvene in Open Session

Possible Action:

- (i) Discussion and possible action on hiring, salary or employment of Tulsa ALJ position as discussed in Executive Session; and
- (ii) Discussion and possible action based on discussion of performance and employment evaluation of Administrative Law Judge Blair McMillin.

Announcements

The next regular meeting of the Commission is scheduled for September 21, 2017.

ADJOURNMENT.....Mr. Gilliland, Chair