

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Wednesday, March 23, 2016
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..... **Tiffany Pratt**

MINUTES

The drafted Minutes of Special Commission Meeting on March 2, 2016 will be considered for approval.

The drafted Minutes of Special Commission Meeting on March 3, 2016 will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. Proposed Commission Approval of Group Self-Insurance Application for New Membership

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement. The Commission will consider approving the following

applicants to the respective self-insurance group associations to which they are applying for membership:

Oklahoma Operators Self-Insurers Fund Self-Insured Association (#75292)

M2U Enterprises, Inc. (#095)

Oklahoma Automobile Dealers Self- Insured Association (#75058)
Glover Chevrolet West, LLC dba Jim Glover on the River (#857)

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, or not approving the applications for new members to the respective associations.

2. Discussion and Consideration of Adoption of Proposed Amendments to Permanent Rules

The Commission will consider adopting the proposed amendments to the Permanent Rules. If the proposed amendments to the permanent rules are adopted and submitted for legislative review on or before April 1, 2016, the Legislature will have until the end of the 2016 legislative session to approve or disapprove the rules. The amendments to the permanent rules are effective ten (10) calendar days after publication in The Oklahoma Register.

Possible Action:

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

3. Discussion and Consideration of Adoption of Proposed Permanent Rules 810:10-5-72 and 810:10-5-73

The Commission having found the provisions of the Oklahoma Employee Injury Benefit Act are inoperable in *Vasquez v. Dillard's, Inc.*, CM 2014-110601, the Commission will consider whether to adopt proposed rules 810:10-5-72 and 810:10-5-73 as published in The Oklahoma Register on January 15, 2016 or wait until a final determination by the Oklahoma Supreme Court.

Possible Action:

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

4. Discussion and Consideration of Adoption of Proposed New Form and Amendments to Commission Forms

Title 85A O.S. § 22 provides 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 adopting the proposed new form and amendments to forms. The proposed forms may be viewed on the website or by following the link:

http://ok.gov/wcc/About_the_Commission/Governing_Documents/index.html

Possible Action:

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

5. Proposed Amendment to FY-2016 Contract between the Commission and the Oklahoma Office of the Attorney General

The Commission will consider a proposed amendment to the contract engaging the legal services of the Oklahoma Office of the Attorney General for FY-2016. The additional cost of the contract for FY-2016 is \$12,125.04.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, approving as amended or not approving the contract as amended with the Attorney General's Office in the amount of \$12,125.04 for FY-2016.

6. Proposed FY-2017 Contract between the Commission and the Oklahoma Office of the Attorney General

The Commission will consider a proposed contract engaging the legal services of the Oklahoma Office of the Attorney General for FY-2017. The cost of the contract is \$ 41,841.12.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, approving as amended or not approving the contract with the Attorney General's Office in the amount of \$41,841.12

7. Proposed General Order Staying All Proceedings Brought Under the Oklahoma Employee Injury Benefit Act

The Commission will consider a proposed general order staying all proceedings brought under the Oklahoma Employee Injury Benefit Act. The proposed stay of proceedings shall continue pending final resolution of the appeal from the Commission's Order in *Vasquez v. Dillard's, Inc.*, CM 2014-110601, issued on February 26, 2016, or until further order of the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; adopting the order; adopting the order as modified; or not adopting the proposed general order.

8. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the appointment of the Candidate A, Candidate B, and/or Candidate C for the position of Special Commissioner.

A. Motion and Vote to:

Go into Executive Session for purposes of:

- a. Discussing the appointment of the Candidate A, Candidate B, and/or Candidate C for the position of Special Commissioner under § 307(B)(1).

B. Vote to Reconvene in Open Session

Possible Action:

- a. Discussion and possible action on the appointment of future Special Commissioner as discussed in Executive Session.

9. Announcements

Commission's next regularly scheduled meeting has been rescheduled for April 14, 2016.

ADJOURNMENT.....Mr. Gilliland, Chair