



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

October 15, 2015

Special 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 October 15, 2015.

Members present: Chairman Gilliland, Commissioner Liotta, and Commissioner Young. Others in attendance on behalf of the Commission: Kim Bailey, Neal Leader, Jay Cannon, Clif Cypert, Lindsey Christopher, Stormy Moore, Holly Miller and Tiffany Pratt.

Chairman Gilliland expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum and the Statement of Compliance with the Open Meeting Act was read. The meeting was called to order at approximately 1:30 p.m.

**Approval of Minutes**

Chairman Gilliland presented the minutes of the September 10, 2015, public meeting for approval.

**Motion:** Commissioner Liotta moved to approve the minutes of the September 10, 2015, public meeting.

**Second:** Commissioner Young.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**1. Commission Approval of Group Self-Insurance Application for New Membership or Name and/or Ownership Change**

*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 considered approving the following applicants to the self-insurance group association to which they are applying for membership or change of name and/or ownership for an existing member:*

Oklahoma Automobile Dealers Self-Insured Association (#75058):

**New Members –**

#852 Classic C Lawton, LLC, dba Classic Lawton Chevrolet

#851 Wade Higgins Auto Group, LLC dba Wade Higgins Chev-Bk-GMC

#850 Kyle Edwards Auto Group, Inc.

**Ownership Change –**

#680 Jackie Cooper Imports, LLC

#682 Jackie Cooper Imports of Tulsa, LLC

#834 Ada Motorcars Partnership, LP dba Ada Dodge-Chrysler-Jeep-Ram

**Name and Ownership Change –**

#774 Ratcliff Automotive, LLC dba Hometown Chrysler-Jeep-Dodge, previously H & R Automotive, LLC dba Bill Hodge Dodge

#433 Janzen Automotive Group, Inc. dba Janzen Toyota-Scion, previously Janzen Cadillac-Toyota

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Commissioner Young moved to approve the applications for new membership into and name/ownership changes for existing members of the Oklahoma Automobile Dealers Self- Insured Association (# 75058):

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**2. 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 considered approving the following applicants to the self-insurance group association to which they are applying for membership.*

Oklahoma Operators Self-Insurers Fund Self-Insurance Association (#75292):

**New Members-**

#032 Wagner & Son, LLC

#092 Jonlor Company

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Commissioner Liotta moved to approve the applications for new membership into Oklahoma Operators Self-Insurers Fund Self-Insurance Association (#75292).

**Second:** Commissioner Young.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**3. Discussion and Consideration of Releasing or Reducing the Security Deposit of Rockwell International/The Boeing Company, a Former Own Risk Employer**

*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. The Commission considered whether to reduce or release a Letter of Credit for Rockwell International/The Boeing Company.*

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Commissioner Liotta moved to release the Letter of Credit for Rockwell International/The Boeing Company, a former Own Risk Employer, which is labeled as Agenda Item 3 and included as a part of these minutes.

**Second:** Commissioner Young.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**4. Discussion and Consideration of Reducing the Letter of Credit for Hillcrest Healthcare System, a Former Own Risk Employer**

*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. The Commission considered whether to reduce a Letter of Credit for Hillcrest Healthcare system, a former Own Risk Employer.*

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Commissioner Young moved to reduce the Letter of Credit for Hillcrest Health care System, a former Own Risk Employer, which is labeled as Agenda Item 4 and included as a part of these minutes.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**5. Discussion and Consideration of Reducing the Letter of Credit for World Publishing Company/ 15 Oaks, a Former Own Risk Employer.**

*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. The Commission considered whether to reduce a Letter of Credit for World Publishing Company/ 15 Oaks, a former Own Risk Employer.*

Stormy Moore, Insurance Director, made a presentation and recommended approval. Hal Salisbury was recognized to answer questions from the Commission.

**Motion:** Commissioner Liotta moved to reduce the Letter of Credit for World Publishing/ 15 Oaks, a former Own Risk Employer, which is labeled as Agenda Item 5 and included as a part of these minutes.

**Second:** Chairman Gilliland.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**6. Discussion and Consideration of Reducing the Letter of Credit for ConAgra Foods, a Former Own Risk Employer**

*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. The Commission considered whether to reduce a Letter of Credit for ConAgra Foods, a former Own Risk Employer.*

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Commissioner Liotta moved to reduce the Letter of Credit for ConAgra Foods, a former Own Risk Employer, which is labeled as Agenda Item 6 and included as a part of these minutes.

**Second:** Commissioner Young.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**7. Exercise of the Commission's Power, Under Title 85A, Section 19, 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. The Commission considered whether to impose the following duties and responsibilities upon the Commission Chair, extending and replacing all duties and responsibilities vested in the Chair by prior Commission vote:*

- a. Vesting the Chair with the Duty and Responsibility of hiring, firing and fixing the salary of all Commission employees except the Executive Director, Administrative Law Judges, Attorney/Law Clerks, the Medical Director; the HR Manager, CFO, and Insurance Services Director.*

**Motion:** Chairman Gilliland moved to approve the proposed additional duty and responsibility vested to the Commission Chair.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**8. Adoption of an Internal Policy and Procedure for Preparation of Commission Agenda and Minutes**

*The Commission considered the following internal procedure for preparation of Commission agendas:*

*Any Commissioner wishing to have an item placed on an Agenda should present it to the Commission's Executive Director; the items should be presented no later than 48 hours before a scheduled meeting. Minutes of open meetings will be prepared by the Executive Director or designee of the Executive Director. The Chair will assign the person to take minutes in executive session at the time of the executive session.*

Kim Bailey, Executive Director, made a presentation and recommended approval.

**Motion:** Chairman Gilliland moved to approve the proposed internal procedure for preparation of Commission agendas and minutes.

**Second:** Commissioner Young.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**9. Adoption of Commission Organizational Chart**

Kim Bailey, Executive Director, made a presentation and recommended approval.

**Motion:** Commissioner Young moved to approve the proposed Commission organizational chart **a copy of which is labeled as Agenda item 9 and included as a part of these minutes.**

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**10. Consideration and Discussion of Sponsorship, Location and Date for 2016 Workers' Compensation Commission Annual Educational Conference.**

Commissioner Young reported that based on the work performed by Commission staff for the 2015 Workers' Compensation Commission Annual Educational Conference, he recommended the Commission coordinate the 2016 conference. He also recommended, based on the feedback received from the 2015 conference, that the 2016 Commission Conference be held at the Embassy Suites Norman.

**Motion:** Chairman Gilliland moved to move forward with the contract between the Commission and the Embassy Suites Norman, after the review of the contract terms by the Executive Director and Commission's attorney from the Attorney General's office.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**11. Proposed Contract between the Commission and Office of Management and Enterprise Services (OMES)**

*The State of Oklahoma's self-funded Workers' Compensation Insurance Program established by OMES under the authority of 74 O.S. § 85.58A is a hybrid plan which does not squarely fit in either of the assessment categories created in 85A O.S. § 122. The State's self-funded program established under the provisions of Section 74 has some attributes of an insurance carrier as well as attributes of a self-insured. The purpose of this Agreement is to establish how the State will be assessed under the provisions of 85A O.S. § 122, beginning with the first quarter of FY2016.*

The Commission considered approving a proposed agreement with OMES.

**Motion:** Commissioner Young moved to approve the contract between the Commission and OMES , a copy of which is labeled as Agenda Item 11 and included as a part of these minutes and allows the Chairman and Executive Director, if necessary, enter into discussions with OMES to modify the proposed agreement. If there are any material modifications they would come back to the WCC for a vote on the contract, in an open meeting.

**Second:** Commissioner Liotta

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland

**The motion carried.**

## **12. Personnel Policies**

The Human Resources Director, Clif Cypert made a report on the proposed Computer, Internet and Email Usage Policy and Progressive Discipline Policy.

The Commission discussed and considered approving the following agency policies: Computer, Internet and Email Usage Policy and Progressive Discipline Policy.

Clif Cypert recommended the Commission approve the policies.

**Motion:** Commissioner Young moved to approve the Computer, Internet and Email Usage Policy, which is labeled as Agenda Item 12 and included as a part of these minutes.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

**Motion:** Commissioner Young moved to approve the Progressive Discipline Policy.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

### **13. 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.*

**Motion:** Commissioner Young moved to approve the travel vouchers currently outstanding, which is labeled as Agenda Item 13 as included as a part of these minutes.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

### **Announcements**

The next Regular Meeting of the Commission is scheduled for November 9, 2015.

### **Adjournment**

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

**Second:** Commissioner Young.

Those voting aye: Commissioner Liotta, Commissioner Young, and Chairman Gilliland.

**The motion carried.**

Chairman Gilliland announced the meeting was adjourned.