

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, October 15, 2015
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 September 10, 2015, will be considered for approval.

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

1. Commission Approval of Group Self-Insurance Applications 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 following are the applicants applying for membership or name and/or ownership changes to the **Oklahoma Automobile Dealers Self- Insured Association (# 75058)**:

New Member –

- #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

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving some, all or none of the applications for new members or name and/or ownership changes to the association.

2. Commission Approval of Group Self-Insurance Applications 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 following are the applicants for membership to the **Oklahoma Operators Self-Insurers Fund Self-Insurance Association (#75292):**

New Member-

- #032 Wagner & Son, LLC
- #092 Jonlor Company

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving some, all or none of the applications for new members to the association.

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.

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.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or releasing or reducing the security deposit of Rockwell International/The Boeing Company.

4. Discussion and Consideration of Reducing the Letter of Credit of 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or reducing the letter of credit of Hillcrest Healthcare System.

5. Discussion and Consideration of Reducing the Letter of Credit of World Publishing Company/15 Oaks LLC, 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or reducing the letter of credit of World Publishing Company/15 Oaks LLC.

6. Discussion and Consideration of Reducing the Letter of Credit of 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or reducing the letter of credit of ConAgra Foods.

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 will consider whether to impose the following duty and responsibility upon the Commission Chair, extending and replacing all duties and responsibilities vested in the chair by prior Commission vote:

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.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, taking action to impose this additional duty and responsibility upon the Chair.

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

Proposed for the Commission's consideration is the following internal procedure for preparation of Commission Agendas and Minutes:

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.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, adopting the proposed internal agenda and minutes' preparation procedure as stated, or adopting a different agenda and minutes' preparation procedure.

9. Adoption of Commission Organizational Chart

The Executive Director will propose an organizational chart for the Commission's consideration. The Executive Director had asked the staff to operate under a preliminary organizational chart on a trial basis to determine the effectiveness of the structure. The final organizational structure is ready to be presented to the Commission for approval. The Commission will consider adopting the proposed organizational chart.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, adopting the proposed organizational chart, adopting an amended organizational chart or adopting a different organizational chart.

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

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the items regarding

2016 Workers' Compensation Commission Annual Educational Conference.

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 will consider approving a proposed agreement with OMES.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the agreement, not approving the agreement or approving the agreement with amendments.

12. Personnel Policies

The Commission will discuss and consider approving the following agency policies: 1) Email Policy and 2) Progressive Discipline Policy.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all or none of the policies listed in this agenda; or continuing the matter.

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 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.

14. Announcements

Commission's next meeting scheduled for November 9, 2015.

ADJOURNMENT.....Mr. Gilliland, Chair