

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, June 18, 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.....Holly Miller

MINUTES

The drafted Minutes of Special Commission Meeting on June 11, 2015, will be considered for approval.

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

1. Discussion and Consideration of Proof of Coverage database

The Commission will consider the need to continue maintaining the daily download of the Proof of Coverage database in its case management system. The Commission receives a daily download from the National Council on Compensation Insurance (NCCI) into its case management system, WCIS. Richard Fisher will present information on the Commission's proof of coverage database system.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving or not approving maintenance of Proof of Coverage database download into WCIS.

2. Discussion and Determination of Account Balances of the Oklahoma Option Insured Guaranty Fund and the Oklahoma Option Self-insured Guaranty Fund

A. Until the Insured Guaranty Fund under the Oklahoma Option contains Two Million Dollars (\$2,000,000.00) or if the amount in the fund falls below One Million Dollars (\$1,000,000.00), each insurer shall be assessed. If the account balance prompts an assessment to be issued for the Option Insured Guaranty Fund, it shall be paid to the Insured Guaranty Fund, care of the Commission. Each insurer shall be assessed two percent (2%) of all gross direct premiums written during each quarter of the calendar year for insurance covering a

benefit plan under this act after deducting from such gross direct premiums, return premiums, unabsorbed portions of any deposit premiums, policy dividends, safety refunds, savings and other similar returns paid or credited to policyholders.

- B. Until the Self-insured Guaranty Fund under the Oklahoma Option contains One Million Dollars (\$1,000,000.00) or if the amount in the fund falls below Seven Hundred Fifty Thousand Dollars (\$750,000.00), each self-insurer shall be assessed. If the account balance prompts an assessment to be issued for the Option Self-insured Guaranty Fund, it shall be paid to the Self-insured Guaranty Fund, care of the Commission. Each self-insurer shall be assessed a fee at the rate of one percent (1%) of the total compensation for permanent partial disability awards paid out during each quarter of the calendar year by the employers.

Andrea Bair, Deputy, Insurance Services, will present the account balances of each of the Option Guaranty Funds to the Commission.

Possible Action:

- a. Option Insured Guaranty Fund- Possible action may include, but is not limited to: taking no action; continuing the matter; determining the balance is below the statutory amount requiring an assessment; or determining the balance is above the statutory amount not requiring an assessment.
- b. Option Self-insured Guaranty Fund- Possible action may include, but is not limited to: taking no action; continuing the matter; determining the balance is below the statutory amount requiring an assessment; or determining the balance is above the statutory amounts not requiring an assessment.

3. 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.

4. Consent Agenda for Payments Made from the Workers' Compensation Fund Currently Outstanding

85A O.S. §22(A)(5) states that all expenditures in the administration of the act shall be allowed and paid from the Workers' Compensation Fund on the presentation of itemized vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

Possible Action:

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

5. Possible Executive Session for Confidential Communications Between the Commission and Its Attorneys Concerning Pending Claim with Penloyd, LLC and F&M Bank & Trust Company; and the Ongoing Investigation by Commission's Compliance Division and Related Ongoing Bankruptcy Involving Texoma Peanut Company, Pursuant to Title 25 O.S. § 307(B)(4)

Pursuant to 25 O.S. § 307(B)(4), an Executive Session is proposed for the purpose of conducting confidential communications between the Commission and its attorneys concerning pending claim with Penloyd, LLC and F&M Bank & Trust Company; and the ongoing investigation by the Commission's Compliance Division and the bankruptcy involving the Texoma Peanut Company, a former self-insured.

The Commission's counsel from the Attorney General's Office has advised that public disclosure of the communications relating to these investigations and bankruptcy will seriously impair the ability of the Commission and its counsel to take appropriate action related to the ongoing investigations and bankruptcy proceeding and to protect the employees of both businesses.

6. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the employment of Candidate A, Candidate B or Candidate C for Executive Director; and for the purpose of discussing the employment evaluation, promotion, demotion, performance, salary or employment of Human Resources Manager under § 307(B)(1).

A. Motion and Vote to:

- (i) Determine that disclosure of the communications will seriously impair the ability of the Commission to take appropriate action in pending claim with

Penloyd, LLC and F&M Bank & Trust Company; and the ongoing investigation and bankruptcy proceeding of Texoma Peanut Company; and

(ii) Go into Executive Session for purposes of:

- a. Discussing the pending claim with Penloyd, LLC and F&M Bank & Trust Company; and ongoing investigation and bankruptcy of Texoma Peanut under §307(B)(4); and
- b. Discussing the employment of Candidate A, Candidate B, or Candidate C for the position of Executive Director; and employment evaluation, promotion, demotion, performance, salary or employment of Human Resources Manager under § 307(B)(1).

B. Vote to Reconvene in Open Session

Possible Action:

- a. Possible action may include but is not limited to taking no action; continuing the matter; or instructing counsel to take any necessary actions in the pending claim with Penloyd, LLC and F&M Bank & Trust Company as discussed and recommended by counsel in Executive Session.
- b. Possible action may include but is not limited to taking no action; continuing the matter; or instructing counsel to make any necessary filings in the Texoma Peanut Company bankruptcy proceeding; or taking other actions as discussed and recommended by counsel in Executive Session.
- c. No action is anticipated nor will be taken with regard to the hiring, salary, or employment of the Executive Director or Human Resources Manager.

Announcements

Commission's next meeting is Thursday, June 25, 2015.

ADJOURNMENT.....Mr. Gilliland, Chair