



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

November 9, 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 November 9, 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, 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 October 27, 2015, public meeting for approval.

**Motion:** Commissioner Liotta moved to approve the minutes of the October 27, 2015, public meeting.

**Second:** Commissioner Young.

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

**The motion carried.**

**1. Discussion and Consideration of Vendor's Proposal and Date for 2016 Workers' Compensation Commission Annual Educational Conference.**

**Motion:** Commissioner Young moved to approve the dates of October 13 and October 14, 2016 and further moved that the 2016 Workers' Compensation Commission Educational Conference be coordinated internally by the Commission at the Embassy Suites Norman per the RFP.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**2. Discussion and Consideration of Reducing the Security Deposit of Staffmark Investment, LLC/Staffing Holding LLC #18390, 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 Staffmark Investment, LLC/Staffing Holding LLC #18390 a former Own Risk Employer.*

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

**Motion:** Commissioner Liotta moved to reduce the security deposit of Staffmark Investment, LLC/Staffing Holding LLC #18390 a former Own Risk Employer.

**Second:** Commissioner Young.

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

**The motion carried.**

**3. Discussion and Consideration of Reducing the Letter of Credit for Vaughn Foods, Inc./Reser's Fine Foods, Inc. #19675, 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 Vaughn Foods, Inc./Reser's Fine Foods, Inc. #19675, a former Own Risk Employer.*

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

**Motion:** Commissioner Young moved to take no action in the request to reduce the Letter of Credit for Vaughn Foods, Inc./Reser's Fine Foods, Inc. #19675, a former Own Risk Employer.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**4. 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 Power and Responsibility of Entering Into All Leases, and Contracts Involving Expenditures of \$50,000 or less.*

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

**Second:** Commissioner Young.

Those voting aye: Commissioner Liotta and Commissioner Young.

Abstain: Chairman Gilliland

**The motion carried.**

**5. Personnel Policies**

The Human Resources Director, Clif Cypert made a report on the proposed Tobacco Free Policy and the Work-related Injury or Illness Policy.

Clif Cypert recommended the Commission approve the policies.

**Motion:** Commissioner Young moved to approve the Tobacco Free Policy and the Work-related Injury or Illness, which is labeled as Agenda Item 5 and included as a part of these minutes.

**Second:** Commissioner Liotta.

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

**The motion carried.**

## **6. 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:** Chairman Gilliland moved to approve the travel vouchers currently outstanding, which is labeled as Agenda Item 6 as included as a part of these minutes.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta and Chairman Gilliland.

Abstain: Commissioner Young.

**The motion carried.**

## **7. Executive session**

*Pursuant to Title 25 O.S. § 307(B)(4) for confidential communications between the Commission and its attorneys concerning initiating litigation regarding the Commission's duties relating to own-risk, self-insurer and group self-insurance programs under Title 85A and in accordance with the rules of the Commission.*

**Motion:** Chairman Gilliland moved to determine that disclosure of the communications will seriously impair the ability of the Commission to take appropriate action in initiating litigation regarding the Commission's duties relating to own-risk, self-insurer and group self-insurance programs under 85A

and in accordance with the rules of the Commission; and proposed moving into Executive Session for purposes of:

Discussing under §307(B)(4) initiating litigation concerning the Commission's duties relating to own-risk, self-insurer and group self-insurance programs under 85A and in accordance with the rules of the Commission.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**Vote to Reconvene in Open Session**

**Motion:** Commissioner Young moved to reconvene in Open Session.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**Discussion and action from Executive Session**

**Motion:** Chairman Gilliland moved to continue the matter concerning the Commission's duties relating to own-risk, self-insurer and group self-insurance programs under 85A and in accordance with the rules of the Commission.

**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 December 10, 2015.

**Adjournment**

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

**Second:** Commissioner Liotta.

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

**The motion carried.**

Chairman Gilliland announced the meeting was adjourned.