



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

June 1, 2015

Special Public Meeting

MINUTES OF THE MEETING OF THE WORKERS' COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA

NOTICE OF THIS MEETING WAS FILED WITH THE SECRETARY OF STATE ON May 19, 2015.

The members of the Workers' Compensation Commission for the state of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on June 1, 2015.

Members present: Chairman Bob Gilliland, Commissioner Mark Liotta, and Commissioner LeRoy Young.

Others in attendance on behalf of the Commission: Kim Bailey, Andrea Bair, Clif Cypert, Neal Leader, and Holly Miller.

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. Chairman Gilliland introduced Commissioner Liotta and Commissioner Young.

Approval of Minutes

Chairman Gilliland presented the minutes of the May 26, 2015, special meeting for approval, and explained that although Commissioner Young had not yet started in his official capacity with the Commission, he was in attendance at the May 26th meeting. Chairman Gilliland recommended approval.

Motion: Chairman Gilliland moved to approve the minutes of the March 26, 2015 special meeting.

Second: Commissioner Young.

Those voting aye: Commissioner Young and Chairman Gilliland.

Abstention: Commissioner Liotta.

The motion carried.

1. Discussion and Consideration of Requesting an Attorney General Opinion on the Deliberative Process Privilege

85A O.S. §19(F) provides that all appeals or disputes arising from actions of the Commission shall be governed by provisions of this act and the Commission shall not be subject to the provisions of the Oklahoma Administrative Procedures Act (APA), except as provided in this act. However, it is also Article II of the APA that provides for entering into executive session under the Open Meeting Act to deliberate decisions in individual proceedings. The Commission had previously requested an Attorney General Opinion asking if the Commissioners may either enter into executive session to deliberate appeals or to deliberate by virtue of the deliberative process privilege. The Attorney General Opinion issued to the Commission did not address the deliberative process privilege due to a case on the issue pending before the Oklahoma Supreme Court at that time. The Oklahoma Supreme Court has since issued an opinion finding the deliberative process privilege does exist in Oklahoma. Therefore, the Commission

considered requesting an Attorney General Opinion asking if the Commission is permitted to deliberate the appeals by virtue of the deliberative process privilege.

Chairman Gilliland commented that the goal of this request is for the Commission to be treated in a fair manner, and to be able to exercise the same protection under the law as other state boards and commissions. Chairman Gilliland made the recommendation.

Motion: Chairman Gilliland moved to approve the request for an Attorney General Opinion, asking if the Commission is permitted to deliberate the appeals by virtue of the deliberative process privilege.

Second: Commissioner Liotta.

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

The motion carried.

2. Discussion and Consideration of Commission Meeting and Hearing Dates

With two new Commissioners, the Commissioners reviewed the Commission's calendar for any necessary changes to the existing meeting schedule. The Commission considered scheduling dates for appeal hearings. The Commission realizes that meeting dates set now may need to be rescheduled at various times throughout the year. Therefore, the Commission considered delegating to the Chair the authority to change the meeting dates.

Motion: Chairman Gilliland moved to approve delegating to the Chair the authority to change the meeting dates, and that the remainder of Regular Meetings for 2015 be held on the second Thursday each month at 1:30 p.m. and the Appeals on the second Friday each month at 9:00 a.m.

Second: Commissioner Liotta.

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

The motion carried.

3. Discussion and Consideration of Requesting an Audit of the Commission by the Office of the State Auditor and Inspector

With the changeover in Commissioners, the Commission considered requesting a performance audit in accordance with 74 O.S. § 213.2. The audit will provide the Commission with an independent evaluation of the performance, management and expenditures of the Commission for the benefit of both the new Commissioners as well as those leaving leadership roles in the Commission. Chairman Gilliland made the recommendation.

Motion: Commissioner Young moved to request an audit of the Commission by the Office of the State Auditor and Inspector.

Second: Commissioner Liotta.

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

The motion carried.

4. Discussion and Consideration of Vice Chair Position

It is necessary for the Commission to have a Commissioner perform the Chair's responsibilities in the event Chairman Gilliland is unavailable. The Commission considered approving a Vice Chair of the Commission. Chairman Gilliland made the recommendation.

Motion: Commissioner Liotta moved that the Commission approve Commissioner Young for the position of Vice Chair of the Commission.

Second: Chairman Gilliland.

Those voting aye: Commissioner Liotta and Chairman Gilliland.

Abstention: Commissioner Young.

The motion carried.

5. Reports

A. Report from Kathy Haney-Crabb from Office of Management and Enterprise Services (OMES)

Ms. Haney-Crabb is the Payroll and Shared Services Manager from OMES. She reported on the proposed contract between OMES and the Commission for payroll services for FY16.

B. Report from Steven Hawkins from Office of Management and Enterprise Services (OMES)

Mr. Hawkins, the Director of Agency Business Services (ABS) at OMES, reported to the Commission on the proposed contract between the Commission and ABS for FY16. ABS performs purchasing, accounts payable, accounts receivable, budget reporting and reconciliation services.

6. A) Executive Session

Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A or Candidate B for the position of Interim Executive Director and Candidate A, Candidate B, Candidate C, Candidate D or Candidate E for the position of Executive Director; and for the purpose of discussing employment evaluations, promotion, demotion, transfer of position or performance of Deputy Executive Director, Director of Insurance Services, Teresa Allen and Patricia Haidle, the Commission considered a motion and vote to go into Executive Session.

Motion: Chairman Gilliland moved to go into Executive Session for purposes of discussing the hiring, salary or employment of Candidate A or Candidate B for interim Executive Director and Candidate A, Candidate B, Candidate C, Candidate D or Candidate E for the position of Executive Director; and discussing the employment evaluations, promotion, demotion, transfer of position or performance of Deputy Executive Director, Director of Insurance Services, Teresa Allen and Patricia Haidle, under §307(B)(1).

Second: Commissioner Liotta.

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

The motion carried.

B) Vote to Reconvene in Open Session

Motion: Chairman Gilliland moved to reconvene in Open Session.

Second: Commissioner Liotta.

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

The motion carried.

Motion: Commissioner Young moved that the Commission appoint Kim Bailey to the position of Interim Executive Director until an Executive Director is hired.

Second: Commissioner Liotta.

Chairman Gilliland explained that Neal Leader will serve as the Commission Counsel from the Office Attorney General during this time.

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

The motion carried.

Announcement

Chairman Gilliland announced that the Commission will have a special meeting on Thursday, June 11, 2015 at 1:30 p.m.

The Commission's next regular meeting is scheduled for Thursday, June 18, 2015 at 1:30 p.m.

Adjournment

Motion to adjourn: Commissioner Young.

Second: Commissioner Liotta.

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

The motion carried.

The meeting was adjourned.