

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, October 30, 2014
9:30 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

- CALL TO ORDER..... Mr. Wilson, Chair**
- ROLL CALL Mr. Wilson, Chair**
- NOTICE OF COMPLIANCE..... Holly Miller**
- BUSINESS Mr. Wilson, Chair**

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

1. Discussion and Consideration of Approving an Accounting by Self-Insurance Guaranty Fund of Amount Paid for Arrow Trucking Claims and Withdrawal of Excess Funds to Deposit into a Separate 701 Account

The Commission received and deposited into the Self-insurance Guaranty Fund (Guaranty Fund) a distribution of \$652,304.45 from the Thureus Insurance Group, Inc. receivership. Thureus was a captive insurance company and affiliate of Arrow Trucking Company, a former Oklahoma self-insured employer which had gone into receivership. An accounting by the Guaranty Fund was necessary to determine the amount the Guaranty Fund actually paid for Arrow Trucking claims. The accounting the Commission received shows the Guaranty Fund has made payments to date of \$201,304.90 for Arrow Trucking obligations. The Commission will consider approving the accounting and withdrawing from the Guaranty Fund the excess monies, \$450,999.56, from the distribution over the amount the Guaranty Fund paid for Arrow Trucking claims and depositing those funds in a 701 account used exclusively for Arrow Trucking workers' compensation obligations.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the accounting and the transfer of funds to a 701 account.

2. Discussion and Consideration of an Assessment and Assessment Rate for the Self-insurance Guaranty Fund

85A O.S. §98 provides as follows: Until the Self-insurance Guaranty Fund contains Two Million Dollars (\$2,000,000.00) or in the event the amount in the fund falls below One Million Dollars (\$1,000,000.00), an assessment against each private self-insurer and group self-insurance association based on an assessment rate to be determined by the commissioners, not exceeding one percent (1%) of actual paid losses of the self-insurer during the preceding calendar year, payable to the Tax Commission for deposit to the fund. The assessment against private self-insurers shall be determined using a rate equal to the proportion that the deficiency in the fund attributable to private self-insurers bears to the actual paid losses of all private self-insurers for the year period of January 1 through December 31 preceding the assessment. The assessment against group self-insurance associations shall be determined using a rate equal to the proportion that the deficiency in excess of the surplus of the Group Self-Insurance Association Guaranty Fund at the date of the transfer attributable to group self-insurance associations bears to the actual paid losses of all group self-insurance associations cumulatively for any calendar year preceding the assessment.

In accordance with 85A O.S. §98, on October 2, 2014, the Oklahoma Tax Commission, advised the Commission that the Guaranty Fund balance as of September 1, 2014, was \$834,878.12. The bank balance of the Self-insurance Guaranty Fund as of September 25, 2014, had increased to \$981,000.00. If the excess monies received from the Arrow Trucking receivership are withdrawn, the balance is approximately \$530,000.44. The Guaranty Fund estimates annual payments before settlements to be \$200,000, leaving an approximate balance of \$330,000.44. The estimated amount of a 1% assessment of actual paid losses is \$1,100,000, which would bring the balance of the Guaranty Fund to approximately \$1,430,000.44.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving an assessment at a rate of 1% of 2013 actual paid losses, or approving a different assessment rate percentage of 2013 actual paid losses.

3. Discussion and Consideration of Setting Oral Arguments Before the Commission en banc

The Commission has approximately eight (8) appeals fully briefed and ready to be set before the Commission en banc. The Commission will consider approving the setting of the appeals as soon as proper notice can be given to the parties and the schedules of the Commissioners coordinated.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving setting appeals before the Commission en banc.

4. Consent Agenda

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 vote to approve the currently outstanding vouchers attached hereto as **Attachment A**.

Possible Action:

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

5. Announcements

Commission's next regularly scheduled meeting is Thursday, November 20, 2014

ADJOURNMENT.....Mr. Wilson, Chair

CONSENT AGENDA

<u>PAYEE</u>	<u>VOUCHER #</u>	<u>VOUCHER AMOUNT</u>
1. Patricia Sommer- Travel	00000828	\$68.23
2. Bryce A. Hill- Travel	00000829	\$125.40
3. Tara Inhofe- Travel	00000847	\$69.84
4. Tara Inhofe- Travel	00000848	\$69.70
5. Valerie Rossiter- Travel	00000849	\$67.32
6. Shane Curtin- Travel	00000850	\$68.00
7. Troy Wilson- Travel	00000851	\$59.41
8. Kathryn Fothergill- Travel	00000852	\$70.81
9. Kathryn Fothergill- Travel	00000853	\$70.81