

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Monday, June 1, 2015
9:00 a.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

- a. The drafted Minutes of Special Commission Meeting on May 26, 2015, will be considered for approval. (Although Commissioner Young was not a Commissioner at the May 26, 2015, meeting, he was present and is therefore, able to vote to approve the minutes of the meeting).

INTRODUCTIONS

Chairman Gilliland will introduce the newly appointed Commissioners.

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

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

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving or not approving moving forward with requesting an Attorney General Opinion on deliberating appeals.

2. Discussion and Consideration of Commission Meeting and Hearing Dates

With two new Commissioners, the Commissioners will review the Commission's calendar for any necessary changes to the existing meeting schedule. The Commission will consider 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 will also consider delegating to the Chair the authority to change the meeting dates.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving meeting dates discussed and delegating to the Chair the authority to change the meeting dates, or approving meeting dates discussed and delegating to someone other than the Chair the authority to change the meeting dates.

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 will consider 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.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving or not approving moving forward with

requesting an audit of the Commission by the Office of the State Auditor and Inspector.

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 will consider approving a Vice Chair of the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving a Vice Chair, or not approving a Vice Chair.

5. Reports

THE FOLLOWING REPORTS ARE PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.

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 will report 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, will report to the Commission on the proposed contract between the Commission and ABS for FY16. ABS performs purchasing, accounts payable, accounts receivable, budget report and reconciliation services.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION.

6. Possible 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.

A. Motion and Vote to:

Go into Executive Session for purposes of:

- a. 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).

B. Vote to Reconvene in Open Session

- a. Discussion and possible action on hiring, salary or employment of interim Executive Director position as discussed in Executive Session.
- b. No action is anticipated nor will be taken by the Commission with regard to the hiring, salary or employment of an Executive Director.
- c. No action is anticipated nor will be taken by the Commission with regard to the employment evaluations, promotion, demotion, transfer of position or performance of Deputy Executive Director, Director of Insurance Services, Teresa Allen or Patricia Haidle.

Announcements

Commission's next regularly scheduled meeting is Thursday, June 18, 2015.

ADJOURNMENT.....Mr. Gilliland, Chair