

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, October 16, 2014
1:30 p.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

MINUTES

- a. The drafted Minutes of Special Commission Meeting on September 26, 2014, will be considered for approval.

BUSINESS..... Mr. Wilson, Chair

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

1. Commission Adoption of Employee Harassment Policy

Proposed for the Commission's consideration is an employee harassment policy. The Commission is committed to fostering a safe work environment where every employee is treated with dignity and respect. The proposed policy is attached hereto as **Attachment A**.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, adopting the proposed employee harassment policy as stated in **Attachment A**, or adopting a different employee harassment policy.

2. Consideration of an Amendment to Fiscal Year 2016 Commission Budget Request Proposal and Supplemental Budget Request for FY 2015 to Revise the Manner in which Court Reporters are Addressed

The Commission's Budget Request Proposal for FY 2016 and Supplemental Budget Request for FY 2015 were approved at the Special Commission Meeting on September 26, 2014. The Commission will consider amending the FY 2016 Budget Request Proposal to transfer the funding request for court reporters from a special project line item on the budget to a line item under professional services. Additionally, court reporters will be added as a line item to the FY 2015 Supplemental Budget Request.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the amended FY 2016 Commission Budget Request Proposal and amended FY 2015 Supplemental Budget Request or approving a different amendment to one or both of the budget requests.

3. Proposed Approval of the Transfer of Funds from the Commission to the Court of Existing Claims

In the Agreement entered into on January 30, 2014, between Judge Taylor and Chairman Wilson, the Commission agreed to create a budget sub-account within the Commission's 865-200 account for FY-14. The Court of Existing Claims (CEC) was given exclusive control of this account, which received monthly allocations from the Commission. The Agreement was made in an effort to preserve and respect the CEC's autonomy. The sub-account created for the CEC has a carryover balance from FY-14 in the amount of \$40,274.22. The Commission will consider a vote to transfer the \$40,274.22 carryover balance from the Commission's 865-200-02 account to the CEC's 369-200 account.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, voting to transfer funds from the Commission's 865-200-02 account to the CEC's 369-200 account, or voting not to transfer funds.

4. Proposed Approval of Additional Independent Medical Examiners for the Commission

Title 85A OS §112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IME). The Commission shall, to the best of its ability, include the most experienced and competent

physicians in the specific fields of expertise utilized most often in the treatment of injured workers. The following physicians have been vetted by the Medical Director and recommended to be added as IME's for the Commission:

Michael Brandon Johnson, M.D. - orthopedic surgery
Paul Jacob, D.O. - orthopedic surgery

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the listed independent medical examiners for the Commission.

5. Consent Agenda for Travel Claims

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 attached hereto as **Attachment B**.

All vouchers listed within the 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, continuing the matter, approving some, all or none of the vouchers listed in **Attachment B**.

6. Consent Agenda for Payments Made from the Workers' Compensation Fund

85A O.S. §22(A)(5) states that all expenditures of the Commission 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 attached hereto as **Attachment C**.

All vouchers listed within the 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, continuing the matter, approving some, all or none of the vouchers listed in **Attachment C**.

7. Reports

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

i. Commissioner Engle's Report

A summary report will be given on the development of a proposal for statutory changes and rule revisions.

ii. Commissioner Gilliland's Report

A summary report will be given on the activity of the Administrative Law Judges, including case resolutions.

8. Possible Executive Session for the Purpose of Confidential Communications Between the Commission and Its Attorneys Concerning Pending Litigation Filed With the Oklahoma Supreme Court

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 lawsuits against the Commission, including *Ellsworth Construction Co., et al. v. Tara Inhofe, Administrative Law Judge, et al.* and *Robin E. Williams v. The Oklahoma Workers' Compensation Commission*.

The Commission's counsel from the Attorney General's Office has advised that public disclosure of the communications relating to these claims and lawsuits will seriously impair the ability of the Commission and their counsel to respond to the litigation and claims.

a. Motion and Vote to (A) Determine That Disclosure Will Seriously Impair the Ability of the Commission to Respond to the Lawsuits, and (B) to go Into Executive Session for the Purposes Stated Above

b. Vote to Reconvene in Open Session

Possible Action:

No action is anticipated nor will be taken by the Commission.

9. Any Matter Not Known About or Which Could Not Have Been Reasonably Foreseen Prior to Posting the Agenda

10. Announcements

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

ADJOURNMENT.....Mr. Wilson, Chair

Troy L. Wilson
Chairman

Denise Engle
Commissioner

Robert H. Gilliland
Commissioner

Dr. Rick Farmer
Executive Director



STATE OF OKLAHOMA

WORKERS' COMPENSATION COMMISSION

1915 N. STILES

OKLAHOMA CITY, OKLAHOMA 73105-4918

(405) 522-3222

It is the policy of the Oklahoma Workers' Compensation Commission not to discriminate in any of its employment practices on the basis of political or religious affiliation, race, creed, color, gender, sexual orientation, age, national origin, marital status or disability (so long as the disability does not render the employee unable to do the work for which employed). Any form of unlawful discrimination to which this policy applies is a very serious matter and will not be tolerated.

Sexual harassment is a form of unlawful discrimination based on sex. It includes, but is not limited to: unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is explicitly or implicitly a requirement of the individual's employment, or used as a basis for any employment decision concerning that individual, or when such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment. Such behavior is prohibited by the Civil Rights Act of 1964, by the regulatory guidelines of the Equal Employment Opportunity Commission, by applicable state laws, and by this policy. In some circumstances, it may also violate other laws. Conduct prohibited by this policy includes, but is not limited to:

- Unwelcome sexual flirtation;
- Advances or propositions for sexual activity;
- Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- Sexually degrading language to describe an individual;
- Remarks of a sexual nature to describe a person's body or clothing;
- Display of sexually demeaning objects and pictures;
- Offensive physical contact, unwelcome touching, pinching or brushing the body;
- Coerced sexual intercourse; and
- Sexual assault.

Any employee, who is subjected to or is aware of sexual harassment within the Oklahoma Workers' Compensation Commission, should report that information immediately to his or her supervisor, the Deputy Executive Director, or the Executive Director. Employees may report to any of their supervisors or administrators and need not observe any particular chain of command. The person receiving such report shall obtain the basic allegations and forward them immediately to the Executive Director. Sexual harassment by any employee of another will not be condoned or tolerated in the Oklahoma Workers' Compensation Commission. Appropriate disciplinary actions will be taken against any employee who causes, engages in, encourages, condones or otherwise permits unlawful sexual harassment, and against any supervisory or other responsible employee who fails to take corrective action as provided above. Such conduct may be grounds for disciplinary action, up to and including termination of employment. Any employee that believes he/she has been a victim of sexual harassment may complain of discrimination based on sex as outlined in this policy. Any employee attempting to penalize or retaliate against another employee for filing a complaint, reporting an incident of sexual harassment, or cooperating with an investigation of alleged sexual harassment, shall be subject to disciplinary action, up to and including termination of employment. It is the responsibility of all employees in this agency, supervisory and non-supervisory, to adhere to this policy and to use all reasonable efforts to further its goals and spirit.

ATTACHMENT A

CONSENT AGENDA

<u>PAYEE</u>	<u>VOUCHER #</u>	<u>VOUCHER AMOUNT</u>
1. Patricia Sommer- Travel	00000765	\$70.68
2. Tara Inhofe- Travel	00000766	\$72.32
3. Michael Egan- Travel	00000767	\$70.48
4. Michael Egan- Travel	00000798	\$853.20

ATTACHMENT B

WCC FORM - HR-11 (Revised 10/2014)		AGENCY BUSINESS UNIT	865	CLAIM OF: Workers' Compensation Commission
STATE OF OKLAHOMA Claim Voucher And Disbursements of Payroll Withholdings		FOR AGENCY USE October 2014 Payroll Claim		Address: 1915 N. Stiles OKC, OK 73105
				FOR \$105,956.23
				CERTIFICATION OF PAYROLL I hereby certify that the accounts to be charged and the amount of this payroll are correct as shown and authorize the State Treasurer to issue a warrant in payment for this expense. _____ Chairman Signature
				_____ Date
		TOTAL AMOUNT	\$105,956.23	
Voucher #:	000001			

* OASDI - Employer contribution for Social Security (OASDI stands for "Old Age, Survivor and Disability Insurance)

** Medicare - Employer contribution for Medicare

*** SROP - State of Oklahoma Retirement Plan - Employer contribution

Employee	True Gross	Excess Benefit	FICA/Med	State Ins. Adj. Ben.	State Retirement	State Unemp.	State Share Annuities	Total Payroll Cost
Engle, Denise	\$10,364.42	\$0.00	\$792.81	\$1,542.66	\$1,710.13	\$0.00	\$26.55	\$14,436.57
Farmer, Rick	\$9,333.33	\$179.46	\$700.61	\$1,133.29	\$1,540.00	\$0.00	\$26.55	\$12,913.24
Gilliland, Robert	\$10,364.42	\$34.66	\$785.97	\$1,278.09	\$1,710.13	\$0.00	\$0.00	\$14,173.27
Wilson, Troy	\$10,364.42	\$51.34	\$798.80	\$1,261.41	\$1,710.13	\$0.00	\$26.55	\$14,210.65
Curtin, Shane	\$9,333.33	\$0.00	\$711.61	\$1,677.96	\$1,540.00	\$0.00	\$0.00	\$13,262.90
Egan, Michael	\$9,333.33	\$100.23	\$721.67	\$540.75	\$1,540.00	\$0.00	\$0.00	\$12,235.98
Inhofe, Tara	\$9,333.33	\$33.12	\$716.53	\$837.77	\$1,540.00	\$0.00	\$0.00	\$12,460.75
Sommer, Tish	\$9,333.33	\$104.63	\$722.01	\$536.35	\$1,540.00	\$0.00	\$26.55	\$12,262.87
Total	\$77,759.91	\$503.44	\$5,948.01	\$8,808.28	\$12,830.39	\$0.00	\$106.20	\$105,956.23

Gross Salaries	\$77,759.91
Benefits & Retirement	\$22,248.31
OASDI, Medicare	\$5,948.01
Total	\$105,956.23

Attachment C

WCC FORM - HR-11 (Revised 10/2014)		AGENCY BUSINESS UNIT	865	CLAIM OF: Workers' Compensation Commission
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	ACCOUNT	PAYROLL EXPENSE	AMOUNT	FOR \$105,956.23
	200	Salaries	\$77,759.91	
	200	OASDI*, Medicare**	\$5,948.01	
	200	Benefits, SROP***	\$22,248.31	
				CERTIFICATION OF PAYROLL I hereby certify that the accounts to be charged and the amount of this payroll are correct as shown and authorize the State Treasurer to issue a warrant in payment for this expense.
		TOTAL AMOUNT	\$105,956.23	Chairman Signature
Voucher #:	.000002			Date

* OASDI - Employer contribution for Social Security (OASDI stands for "Old Age, Survivor and Disability Insurance)

** Medicare - Employer contribution for Medicare

*** SROP - State of Oklahoma Retirement Plan - Employer contribution

Attachment C

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 Benefits & Retirement \$22,248.31
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Total \$105,956.23

Attachment C