



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

March 23, 2016

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 March 23, 2016.

Members present: Chairman Gilliland, Commissioner Young and Commissioner Liotta.

Others in attendance on behalf of the Commission: Lindsey Christopher, Stormy Moore, Kim Bailey, Steven Barker and Tiffany Pratt.

The meeting was called to order at approximately 1:30 p.m.

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 March 2, 2016 and March 3, 2016 public meetings for approval.

Motion: Commissioner Young moved to approve the minutes of the March 2, 2016 and March 3, 2016 public meetings.

Second: Commissioner Liotta.

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

The motion carried.

1. Proposed Commission Approval of Group Self-Insurance Application for New Membership

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement. The Commission considered approving the following applicants to the respective self-insurance group associations to which they were applying for membership:

**Oklahoma Operators Self-Insurers Fund Self-Insured Association (#75292)
M2U Enterprises, Inc. (#095)**

Oklahoma Automobile Dealers Self- Insured Association (#75058)

Glover Chevrolet West, LLC dba Jim Glover on the River (#857)

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

Motion: Chairman Gilliland moved to approve the applications to the respective self-insurance group associations.

Second: Commissioner Liotta.

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

The motion carried.

2. Discussion and Consideration of Adoption of Proposed Amendments to Permanent Rules

The Commission considered adopting the proposed amendments to the Permanent Rules. If the proposed amendments to the permanent rules are adopted and submitted for legislative review on or before April 1, 2016, the Legislature will have until the end of the 2016 legislative session to approve or disapprove the rules. The amendments to the permanent rules are effective ten (10) calendar days after publication in The Oklahoma Register.

Lindsey Christopher, Commission Counsel, made a presentation and recommended approval.

Motion: Chairman Gilliland moved to adopt the proposed amendments to the Permanent Rules.

Second: Commissioner Liotta.

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

The motion carried.

3. Discussion and Consideration of Adoption of Proposed Permanent Rules 810:10-5-72 and 810:10-5-73

The Commission having found the provisions of the Oklahoma Employee Injury Benefit Act are inoperable in Vasquez v. Dillard's, Inc., CM 2014-110601, the Commission considered whether to adopt proposed rules 810:10-5-72 and

810:10-5-73 as published in The Oklahoma Register on January 15, 2016 or wait until a final determination by the Oklahoma Supreme Court.

Lindsey Christopher, Commission Counsel, made a presentation and recommended taking no action.

Motion: Chairman Gilliland moved to take no action at this time regarding the proposed Permanent Rules 810:10-5-72 and 810:10-5-73 and wait until a final determination by the Oklahoma Supreme Court.

Second: Commissioner Liotta.

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

The motion carried.

4. Discussion and Consideration of Adoption of Proposed New Form and Amendments to Commission Forms

Title 85A O.S. § 22 provides before the adoption, amendment or modification of any form, the Commission shall give thirty (30) days' notice of its intended action and provide an opportunity for public comment, following the rulemaking process. The Commission considered adopting the proposed new form and amendments to forms.

Lindsey Christopher, Commission Counsel, made a presentation and recommended approval.

Motion: Chairman Gilliland moved to approve the proposed new form and amendments to Commission forms.

Second: Commissioner Liotta.

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

The motion carried.

5. Proposed Amendment to FY-2016 Contract between the Commission and the Oklahoma Office of the Attorney General

The Commission considered a proposed amendment to the contract engaging the legal services of the Oklahoma Office of the Attorney General for FY-2016. The additional cost of the contract for FY-2016 is \$12,125.04.

Kim Bailey, Executive Director, made a presentation and recommended approval of the amendment to the FY-2016 contact between the Commission and the Oklahoma Office of the Attorney General.

Motion: Chairman Gilliland moved to approve the proposed amendment to the contract engaging the legal services of the Oklahoma Office of the Attorney General for FY-2016 in the amount of \$12,125.04.

Second: Commissioner Liotta.

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

The motion carried.

6. Proposed FY-2017 Contract between the Commission and the Oklahoma Office of the Attorney General

The Commission considered a proposed contract engaging the legal services of the Oklahoma Office of the Attorney General for FY-2017. The cost of the contract is \$ 41,841.12.

Kim Bailey, Executive Director, made a presentation and recommended approval of the FY-2017 contact between the Commission and the Oklahoma Office of the Attorney General.

Motion: Chairman Gilliland moved to approve the proposed contract engaging the legal services of the Oklahoma Office of the Attorney General for FY-2017 in the amount of \$41,841.12.

Second: Commissioner Liotta.

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

The motion carried.

7. Proposed General Order Staying All Proceedings Brought Under the Oklahoma Employee Injury Benefit Act

The Commission considered a proposed general order staying all proceedings brought under the Oklahoma Employee Injury Benefit Act. The proposed stay of proceedings shall continue pending final resolution of the appeal from the Commission's Order in Vasquez v. Dillard's, Inc., CM 2014-110601, issued on February 26, 2016, or until further order of the Commission.

Lindsey Christopher, Commission Counsel, made a presentation and recommended approval.

Motion: Chairman Gilliland moved to approve a general order staying all proceedings brought under the Oklahoma Employee Injury Benefit Act.

Second: Commissioner Liotta.

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

The motion carried.

8. Executive Session

Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the appointment of the Candidate A, Candidate B, and/or Candidate C for the position of Special Commissioner.

Motion: Commissioner Liotta moved to go into Executive Session for purposes of discussing the appointment of Candidate A, Candidate B and/or Candidate C for the position of Special Commissioner under § 307(B)(1).

Second: Commissioner Young.

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

No action was taken with regard to the appointment of Candidate A, Candidate B and/or Candidate C for the position of Special Commissioner under § 307(B)(1).

9. Announcements

Chairman Gilliland announced the Commission's next regularly scheduled meeting has been rescheduled for April 14, 2016.

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.