



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

August 10, 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 August 10, 2016.

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

Others in attendance on behalf of the Commission: Kim Bailey, Steven Barker, Clif Cypert, Dr. Jay Cannon, Stormy Moore, Ray Andrews and Tiffany Pratt.

The meeting was called to order at approximately 1:30 p.m. Chairman Gilliland thanked those in attendance.

**Approval of Minutes**

Chairman Gilliland presented the minutes of the July 14, 2016 regular public and July 15, 2016 special meeting for approval.

***Motion:*** Commissioner Liotta moved to approve the minutes of the July 14, 2016 and July 15, 2016 meetings.

***Second:*** Commissioner Young.

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

***The motion carried.***

1. **Discussion and Consideration of Distribution of Surplus Monies to Members of the Oklahoma Automobile Dealers Self-insurance Association (#75088)**

*Oklahoma Automobile Dealers Self-Insurance Association (Association), a group self-insurance association, is requesting a partial distribution of surplus back to its members in the total amount of \$4,000,000 which will be payable in the amounts of \$1,000,000 from the fiscal year 2013-14 and \$3,000,000 from the fiscal year 2014-15. The Association has an overall surplus of more than \$11,965,578 for all years combined; as indicated in the financial statement for the year ending March 31, 2016. Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution*

*request to the Commission, with all supporting documents. The Commission considered approving the distribution of surplus monies to members of the Oklahoma Automobile Dealers Self-insurance Association.*

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

**Motion:** Commissioner Liotta moved to approve the distribution to members of the Oklahoma Automobile Dealers Self-insurance Association #75088.

**Second:** Commissioner Gilliland.

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

**The motion carried.**

**2. Discussion and Consideration of Reducing the Letter of Credit of Amsted Industries, a Former Own Risk Employer (#13081)**

*A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced at the Commission's discretion after the two year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs.*

Stormy Moore, Insurance Director, made a presentation and recommended taking no action on the request.

**Motion:** Chairman Gilliland moved to take no action on the request to reduce the letter of credit of Amsted Industries, a former own risk employer (#13081)

**Second:** Commissioner Liotta.

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

**The motion carried.**

**3. Discussion and Consideration of Permit Authority of the Insurance Director**

*The Commission discussed and considered assigning authority to the Insurance Director, in the absence of the Executive Director, to sign extensions for permit renewals for individual self-insureds, group self-insurance associations, and third party administrator applications.*

Executive Director Kim Bailey was recognized to report and make a recommendation.

**Motion:** Commissioner Liotta moved to approve assigning authority to the Insurance Director as recommended.

**Second:** Chairman Gilliland.

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

**The motion carried.**

**4. Discussion and Consideration of a Security Camera Viewing Policy**

*The Commission discussed and considered establishing a policy regarding installation of viewing software for the newly implemented security cameras at the Denver Davison Building.*

**Motion:** Commissioner Liotta recommended access to viewing software be given to the Commissioner, Executive Director and Human Resources Director and the Commission task the Human Resources Director with a written security viewing policy.

**Second:** Chairman Gilliland.

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

**The motion carried.**

**5. Discussion and Consideration of the Need for a Compliance Officer in the Commission's Tulsa Office**

*Per 85A OS §40, if the Commission has reason to believe that any employer required to secure the payment of compensation under the Administrative Workers' Compensation Act has failed to do so, the Commission shall serve on the employer a proposed judgment declaring the employer to be in violation of this act and containing the amount, if any, of the civil penalty to be assessed against the employer. The Commission's Compliance Division investigates and enforces this section of the Act. Now that the Commission has the available office space in Tulsa, it discussed and considered the need for hiring a Compliance Officer to serve the Tulsa area.*

Compliance Director Ray Andrews was recognized to report.

**Motion:** Commissioner Liotta moved to take no action and as it is in the Chair's authority to hire administrative staff, leave the decision up to the chair.

**Second:** Chairman Gilliland.

Those voting aye: Commissioner Liotta and Chairman Gilliland.

Nay: Commissioner Young.

**The motion carried.**

**6. Discussion and Consideration of Amending the Commission's Organizational Chart**

*The staff has been operating under its current organizational chart for almost a year to determine the effectiveness of the structure. Due to some changes over the last year, a change in the organizational structure may be necessary. The Commission discussed and considered adopting the proposed organizational chart.*

**Motion:** Commissioner Liotta moved to approve adopting the proposed organizational chart.

**Second:** Chairman Gilliland.

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

Chairman Gilliland thanked Commissioner Liotta for his diligent work regarding this matter.

**The motion carried.**

**7. Consent Agenda for Travel Vouchers Currently Outstanding**

*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 considered a vote to approve the currently outstanding vouchers.*

**Motion:** Chairman Gilliland moved to approve the travel vouchers.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**Announcements**

The next Regular Meeting of the Commission is scheduled for Thursday, September 8, 2016.

**Adjournment**

***Motion:*** Chairman Gilliland 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.