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MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

June 10, 2020
Department of Industrial Accidents
Lafayette City Center, 2 Avenue de Lafayette
Boston, MA 02111 - 1750

Attendees: John Pulgini; Mickey Long; Steve Joyce; Teri McHugh; James Steenbruggen; Michael Kelley; Bernie Mulholland; Patrick Walsh; Steve Falvey; Sheri Bowles – DIA Interim Director; Bill Taupier – DIA Director of Administration; Senior Judge Omar Hernandez – DIA Senior Judge; Kevin O'Leary – DIA General Counsel; Karen Fabiszewski – DIA Director WCTF; Male Kamy – EOLWD; Maryann Brunton – DIA Springfield; Vinnie Lopes – DIA Worcester; Alan Green; Bill Taupier; Shamia Monroe; Dan Judson – WCRIB of MA; Ginny McCarthy – WCRIB of MA; Evelina Radeva of WCRI; Kathy Fisher of WCRI; Roman Dolinschi of WCRI; Attorney Peter Francomano; and Maureen O'Connell.

CHAIRMAN'S WELCOME

DIA UPDATE

- DIA Judicial Update - Senior Judge Omar Hernandez
 - Conference | Hearing | Reviewing Board Queue
 - Impartial Medical Exams | Physicians
- DIA Vital Statistics - Bill Taupier, Director of Administration
 - Cases Filed with DIA
 - Workers' Compensation Trust Fund
 - Personnel Update
 - Enforcement and Compliance
- Director's Update - Sheri Bowles, Interim Director

EXECUTIVE DIRECTOR'S UPDATE

ACTION ITEMS

- Minutes – May 13, 2020

COMMUNICATIONS

N/A

MISCELLANEOUS

CHAIRMAN'S WELCOME

Chairman John Pulgini called this meeting to order at 9:06am. The Council is without a quorum.

DIA UPDATE

Judicial Update

Timeline is in line with what occurred pre-pandemic. Hearings are not being conducted in-person/virtual, but the remaining conferences are conducted via WebEx. Simple hearings may occur soon, Senior Judge has had discussions with the Massachusetts Bar Association. Decisions are still being done; transition has been smooth. Cloverhound is streamlining the process and will be done by end of June. There have been no virtual impartial examinations. Overdue cases have decreased to ten and still are trending downward. Feedback has been great according to Senior Judge and the Massachusetts Bar Association.

Council Member Michael Kelley asked about insurance company representatives being available on telephone calls, Senior Judge indicated that there will be a possibility with the WebEx platform. Council Member Mickey Long made a comment about remote participation and creating a subcommittee to discuss these issues. Senior Judge mentioned credibility issues when hearings are conducted in -person, certain presence of being face-to-face.

Without additional questions, Chairman Pulgini directed the floor to DIA Director of Administration Bill Taupier.

Vital Statistics

Director of Administration Bill Taupier provided an update on vital statistics. The period between conciliation and conferences have decreased, now at 10-18 weeks. Hearing queue is 657, total pending hearing decisions are at ten. Review Board has been steady, at 52. Fine collection for the month of April was \$7,890 with a FY 2020 total of \$506,681. Impartial examinations are pretty similar to last fiscal year. Enforcement has been stalled, no Stop Work Orders have been issued, but fines are still being collected. Fine collection for the month of April was \$7,890 with a FY 2020 total of \$506,681. Correct protocols will be in place at a later date reported Interim Director Bowles.

Council Member Steve Joyce discussed essential employees present on the construction site and commented that if it is safe enough for construction employees to be on site it should be safe enough for enforcement to commence. He asked how close DIA was in getting the DIA investigation staff back in the field. Interim Director Sheri Bowles indicated that the parameters need to be in place with PPE equipment, protocols, etc. Council Member Long expressed his concern with competitiveness of construction industry.

Mr. Taupier continued presenting DIA vital statistics. First Report of Injury have been slightly increasing while cases filed has decreased. The number of Cases filed for May 2020 was 664. First Report of Injury (FRI) filings for May were 3,621. Total FRIs filed for FY

2020 is 30,879. Total cases filed for FY 2020 is 10,557. Council Member Joyce asked if the nature of industry could be displayed, Mr. Taupier indicated that the Covid-19 information will be forwarded to Executive Director Maureen O'Connell.

All DIA claims information is in electronic format and has been in effect since end of May, 2020.

With respect to the Trust Fund, trend is downward. As of May 31st, 87 uninsured injuries have been reported to the WCTF for Fiscal Year 2020. As of May 31' 2020, 87 uninsured injuries have been reported to the WCTF for Fiscal Year 2020. Recovery efforts/collected at \$984,197.00, with courts closed since March of 2020. Mr. Taupier commended the hard work and efforts of the staff.

Personnel update, one staff member retired, staffing is steady, at 211. Referral fees are in line with previous fiscal year, \$6,919,485.00. Second Injury Fund is \$17,839,128.00. COLA reimbursements are at \$1,950,000. Assessment collections have exceeded budget, \$62,187,306.00. Accounting and Finance is at \$2,807,626.00.

Director Update

Interim Director Sheri Bowles provided the DIA update. The DIA Lawrence office lease has been extended until 2021. Regulation review process is in progress, changes made will be reviewed with EOLWD. DIA reopening efforts are underway.

Executive Director Update

Executive Director Maureen O'Connell provided an update on legislation, specifically HB 4739, Representative Ken Gordon, pertaining to essential workers and Covid-19. Representative Gordon asked if the Advisory Council was interested in taking a position and today it was brought to the Advisory Council. Chairman Pulgini asked to provide outreach to all Council Members.

Council Member Kelley asked for Council Member Mulholland to weigh -in on this legislative bill, concerns with the way the bill was written (broadly written). Council Member Mulholland indicated that there should be edits, Council Member Kelley confirmed. Council Member Joyce how many Covid-19 claims had been filed, is proper PPE in place, and all precautions put in place. Council Member Long expressed concern with employees being out of work without benefits. Council Member Steenbruggen asked how one proves employee received Covid-19 at work, the burden is on the employee stated Council Member Long. Council Member Steve Falvey asked about the legislative bill and whether an employee had right to sue employer.

Without further questions for Executive Director O'Connell, and without a quorum, Chairman Pulgini concluded the meeting.

