



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
CHAIR

TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

November 18, 2020
Via WebEx

Present: John Pulgini; Todd Johnson; Stephen Joyce; Teri McHugh; James Steenbruggen, Bernie Mulholland; Patrick Walsh, and Stephen Falvey; Sheri Bowles Interim Director; Kevin O'Leary, Deputy Director/General Counsel; Omar Hernandez, Senior Judge; Bill Taupier, Director of Administration; Shakira Perry, Executive Assistant; DIA Regional Managers Shamia Moore; Marianne Brunton, Peter Vitale, and Vincent Lopes; Alan Green, Deputy Director of Investigations; Robert Cronin, Director of Investigations; Sheila Tunney, CFO Executive Office of Labor and Workforce Development; Virginia McCarthy, Workers' Compensation Rating and Inspection Bureau; Roman Dolanschi, Workers' Compensation Research Institute, and Maureen O'Connell, Executive Director.

DIA UPDATE

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

EXECUTIVE DIRECTOR'S UPDATE

- Annual Report

ACTION ITEMS

- Minutes - October 14, 2020

COMMUNICATIONS

N/A

MISCELLANEOUS

N/A

Chairman John Pulgini began the meeting at 9:05am and welcomed everyone to the meeting. The floor was directed to Senior Judge Omar Hernandez who provided the judicial update. Cloverhound application has been implemented and the Senior Judge has received positive feedback about this transition, scheduling is easier. Communication with attorneys and their clients is on the system at 2:00pm (links are provided). Also, rolled out in the last month, pre-hearing memoranda. Credit to Senior Judge's staff, judges, and constant communication with the Massachusetts Bar Association and MATA. Judge Richard Heffernan has officially retired as of November 6, 2020, a mentor and friend to the agency, a well-deserved retirement. The hearing decisions are satisfactory, there's a backlog, and they are trying to move these cases. Senior Judge is pleased with his staff during this pandemic. Council Member Teri McHugh asked about an uptick in mediation, Senior Judge Hernandez confirmed the uptick in mediation. Council Member Bernie Mulholland asked how many hearings have gone forward, Senior Judge Hernandez indicated 10-15, the virtual hearings did not go well, connection issues. Council Member McHugh asked about face shields, Senior Judge Hernandez indicated that they are looking into this area.

Without further questions for Senior Judge Hernandez, Chairman Pulgini directed the floor to Bill Taupier, Director of Administration.

Mr. Taupier provided statistics on the conference queue which is 324, slightly down from the October figure of 356. The average wait time for a conference is between six and fourteen weeks. There are twenty outstanding hearing decisions. The Review Board is steady around 50 cases, this is down compared to the previous month's figure of 55. The DIA sent approximately 2,541 compliance letters in the month of October, 2020 and had eleven SWOs. Fine collection was \$6,209. The DIA conducted 3,781 compliance checks since the beginning of FY 2021 (July 1, 2020).

Vice Chair Todd Johnson asked about impartial examinations and potential delays, Mr. Taupier did not know of any delays. Senior Judge Hernandez indicated that there weren't a lot of delays at this time, but doctors are suspending exams for next year. Dr. Kenny is suspending exams until Covid-19 pandemic settles down, 5-6 doctors are indicating that they can't handle this at this time, DIA can't force doctors to schedule examinations during this pandemic.

Mr. Taupier continued with claims statistics, first reports are steady but slightly down from last year, and claims reported are also slightly down 5-10%, total 3,708 cases filed, less than last year. There were 953 cases filed for October with a total number of FRIs at 11,746. Update on Covid-19 related injuries, 202 cases filed for October.

Council Member Stephen Falvey asked if construction was on this chart, Mr. Taupier indicated it was low and in double digits.

With respect to the WCTF - 36 individuals reported uninsured claims as of October 2020, recovery efforts \$44,000 with payments on open claims at \$1,216,078. Second Injury Fund, \$4,192,191 and COLA reimbursements \$356,000.

Regarding staffing level, retirements, Mr. Taupier mentioned that Judge Heffernan was a true

gentlemen and will be greatly missed. The DIA will positions as needed.

Assessment collections through October 31, 2020 total \$1,138,390.

Without additional questions for Mr. Taupier, the floor was directed to Interim Director Sheri Bowles Quick announcements regarding the Performance Recognition Award - outstanding contribution Donna Gingras and Yafa Rachmany-Arkin.

Interim Director Bowles also recognized Sandra Diaz, conciliation; Robert Poteau IT; congratulations and well wishes on your retirement and to Bill Taupier, Kevin O'Leary, and Vinnie Lopes for their recent anniversaries and thank you for your service to the DIA. Welcome Sheila Tunney, CFO and thank you to Deputy CFO Male Kamyé. Lastly, recognition to Shakira Perry as the new Executive Assistant for the Director's office.

With respect to PPE, Interim Director indicated that she will look into face shields.

Vice Chair Johnson echoed comments about Judge Heffernan, and wanted to mention Sandra Dias as an unsung hero at the DIA, the message that he offers today, these employees are recognized as outstanding and dedicated individuals, very impressive and shows their commitment to the DIA.

Without additional questions for Interim Director Bowles, Chairman Pulgini directed the floor to Executive Director Maureen O'Connell.

With respect to Council Member appointments, there is no news on that front. Executive Director shared a few takeaways from the recent Federal Reserve Bank webinar on race and the economy;

- GIG employees, if they are considered essential employees, they should be given better wages
- Having a 5-year plan on resolving racism in the workplace
- Racism is stubborn and systemic

With regard to the FY 2020 annual report, the format is slightly different, and the finance information will be displayed in a two-year comparison.

Vice Chair Johnson asked if this format was observed elsewhere, Executive Director indicated that this type of report was not observed in the Commonwealth, but more from the nonprofit sector. While Vice Chair was conceptually in agreement, he recommended comments and feedback from all of the stakeholders.

Council Member Falvey asked Senior Judge Hernandez about the Kid's Chance virtual fundraiser - raised \$16,000 and thanked him for his good work.

Without additional questions for Executive Director O'Connell and without a quorum, Council Members were unable to vote on the October 14, 2020 minutes and the meeting was concluded at 9:38am.