

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

January 10, 2001
Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, MA 02111

Chairman: William H. Carnes

Vice Chairman: Edmund C. Corcoran, Jr.

Present: Chairman William H. Carnes; Vice Chairman Edmund C. Corcoran, Jr. *CM:* Richard Lord (Tom Jones); Antonio Frias (Inez Leonardo); Frank Fanning; Joseph Tamulis; Robert Banks; Alan S. Pierce; Carol Falcone; Bruce Cochrane; Department of Labor & Workforce Development (Joan Lenihan); Department of Economic Development (Thomas McCullough); Ken Owens and Jeff Collins (Commerce & Labor Committee Staff).

Also Present: DIA: Commissioner James Campbell; Vin Luca; Jim Hayes; Senior Judge Daniel O'Shea; Tom Griffin.

Advisory Council Staff: Denise A. Lucciola; Andrew Burton; Ann Helgran.

Absent: *CM:* Stephen Sampson; John Perry; Jeanne-Marie Boylan.

Agenda:

DIA Update

Action Items

- Minutes - December, 2000

Recognition of Commissioner Campbell & Council Member Baldini

Executive Director Update

Miscellaneous

Chairman Carnes conducted today's meeting and referred to the first order of business, which was the judicial update.

DIA Update

Senior Judge O'Shea updated Council Members on the current judicial statistics. Conference Queue: 1,582; Hearing Queue: 1,042; Reviewing Board Inventory: 206; Impartial Exams: 2,253 (26 waivers).

Vice Chairman Corcoran asked the Senior Judge about the status of judicial reappointments. The Senior Judge replied that the status has not changed since he last reported to the Council. He is assigning cases to these judges in the anticipation of their re-appointment.

Chairman Carnes thanked Senior Judge O'Shea for his update.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders, which had been included in Council Members' packets. Total Investigations for December: 462; Total SWO's Issued: 185; Total Fines Collected: \$27,345.00; Total Fines Billed: \$19,000; Total Fines Written Off: \$32,572.00. A re-investigation was done before the write-off and found that one of the companies was back in business under a different name.

Mr. Luca noted that the DIA receives their stop work information from the WCRIB.

Personnel Issues

Mr. Luca updated the Council on personnel issues. He stated that one Administrative Judge's term had expired in Dispute and that there had been an Administrative Judge new hire in Dispute. An Investigator have been hired in Investigations, and two Clerks IV have been hired in Claims. Total DIA positions as of December 31, 2000: 291.2.

Assessment Audit

Mr. Luca continued to update Council Members on the insurance audit. He informed Council Members that prior to the insurance audit the DIA had been notified that a company had overpaid their assessments. When investigated it was found that they had overpaid, but had underpaid their overpayment. The total owed is approximately one million dollars and the DIA is negotiating a credit for their over-payment.

Vice Chairman Corcoran asked Mr. Luca why the DIA's records had not caught this mistake. Mr. Luca replied that there had been no system in place in the past to do this, but there will be in the future.

Budgetary Matters

There was nothing to report on the budgetary matters today. It was suggested that the Budget Sub-committee should begin meeting with the DIA. The Executive Director will arrange a meeting time. Chairman Carnes suggested that the Budget Sub-committee consider conducting their meeting at the Lawrence facility. The Chairman thanked Mr. Luca for his update.

Action Items

Minutes

Chairman Carnes asked for a motion to accept the December 2000 minutes.

Motion made to accept the minutes.

MMS - passed.

Recognition of Commissioner Campbell and Council Member Baldini

Chairman Carnes welcomed Commissioner Campbell and former Council Member Don Baldini and thanked them for attending. Chairman Carnes continued to say that the Council invited them here today to recognize them for their accomplishments.

Vice Chairman Corcoran presented Mr. Baldini with a plank in recognition of his outstanding service on the Council. He noted that it was presented to Mr. Baldini on behalf of the Weld/Cellucci/Swift Administration and the Department of Industrial Accidents. The Vice Chairman thanked Mr. Baldini for his dedication and outstanding service on the Council and wished him the best in his future endeavors. Mr. Baldini thanked all those present for his award.

Chairman Carnes recognized Commissioner Campbell and presented him with a framed letter of appreciation. He then read the letter to the Commissioner:

"On behalf of the membership of the Massachusetts Workers' Compensation Advisory Council, we sincerely thank you for a decade of leadership and dedication that you have displayed to both the Department of Industrial Accidents and the Advisory Council.

When you began serving as Commissioner in October of 1991, you were presented with the challenge of improving a workers' compensation system beset by spiraling costs, rampant fraud, and an immense backlog of cases. Since this period of time, you have been responsible for directing and implementing numerous, significant improvements that have benefited injured workers, employers, insurers, attorneys,

vocational rehabilitation providers, the medical community, and other participants in the workers' compensation system.

Today, the workers' compensation system in Massachusetts is a global model. It is quite clear that this level of accomplishment could not have been achieved without your hard work, enthusiasm, and understanding of workers' compensation issues. Your contributions at our monthly meetings reinforced your devotion and commitment of continually improving the Commonwealth's workers' compensation climate. You will be dearly missed by all that have been fortunate to work with you as colleagues and friends.

We wish you all the best in your future endeavors and look forward to hearing from you."

Commissioner Campbell expressed his thanks to former Governor Weld, Governor Cellucci and Lt. Governor Swift for the opportunity to work in the workers' compensation field. Most importantly, he wanted to thank the Advisory Council for their assistance. The Commissioner recalled the day an injured worker appeared before the Council and said that his story had impacted him so much that it changed how he conducted business at the DIA for the last few years. He will be devoting his time in the future to the reduction of accident frequency in the work place. Commissioner Campbell thanked the members of the Advisory Council for all their help and assistance.

Executive Director Update

Executive Director, Denise Lucciola, expressed her well wishes to the Commissioner and to former Council Member Donald Baldini. Ms. Lucciola referred to the "Fiscal Year 2000 Annual Report" which had been completed and was enclosed in Council Members' packets. She asked that they review and contact her with any changes. Ms. Lucciola stated that she would contact Council Members at the end of January for their approval.

She informed Council Members that on January 2nd she attended the Oracle Steering Committee meeting and learned that the Sun Systems hardware was delivered and installed in December. She noted that the Oracle project is progressing on schedule and had enclosed two minutes for the monthly Oracle meetings.

Ms. Lucciola also told Council Members that the 2000 Official Edition of the Massachusetts Workers' Compensation Law was available, and to let her know if anyone was interested in obtaining a copy. The Executive Director introduced Jeff Collins, Research Analyst, for the Joint Committee of Commerce & Labor.

Ms. Lucciola referred to House Bill 3030, filed by Rep. DeFilippi, which was passed into law on January 4th. The bill encourages construction safety by requiring a reduction in workers' compensation costs for those companies who have at least one employee certified by OSHA's 10-hour Construction Safety Course. Ms. Lucciola also noted that H.5317, filed by Rep. Fitzgerald, was enacted on Jan. 2nd but has not yet been signed into law. The bill petitions that certain school construction projects in the city of Boston are exempt from provisions of the competitive bidding laws.

She further noted that Walter Horn, from the Division of Insurance's State Rating Bureau, had contacted Andrew Burton. A meeting has been planned to discuss the new OSHA Ergonomic Guidelines. Mr. Horn extended the invitation to all Council Members who would like to attend. The meeting will be held at the CRB, 101 Arch Street, on Wednesday, January 31st at 10:00 a.m.

Miscellaneous

Chairman Carnes and Vice Chairman Corcoran again thanked Commissioner Campbell and Mr. Baldini for their service with the Council.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 11:30 a.m.

The next regular meeting of the Advisory Council: February 14, 2001 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.