



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

LAFAYETTE CITY CENTER
2 AVENUE DE LAFAYETTE
BOSTON, MASSACHUSETTS 02111
(857) 321-7379 | mass.gov/wcac

JOHN A. PULGINI
CHAIR

TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

March 12, 2025
Via WebEx

Present: Attendees: John Pulgini, Michael Hess, Stephen Joyce, Teri McHugh, Jim Steenbruggen, Samuel Larson,, Stephen Falvey, Michael Kelley, and Bernie Mulholland; Sheri Bowles - DIA Director, Bill Taupier – DIA Director of Administration, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Jeanne Natale - DIA Director of Operations, Jon Solomon - DIA Director of Investigations, Vinnie Lopes - DIA Worcester, Shamia Monroe - DIA Fall River, Laura Kirchberg - WCRIB; MaryBeth McGrath - Human Resources Division; Attorney Patrick Francomano, Attorney Kerry Nero, Attorney AnaMari DeGaravilla; Nancy Segreve; and Maureen O'Connell.

Date: March 12, 2025
Location: Department of Industrial Accidents - via WebEx
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111
Time: 9:00 A.M.
Notice: All meetings are voice recorded to aid in preparing "hard copy" minutes.

1. CHAIRMAN'S WELCOME

2. DIA UPDATE

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

3. EXECUTIVE DIRECTOR'S UPDATE

- o 2025-26 Legislation
- o Council Member Appointments
- o Workers' Compensation trends for 2025
- o Meetings for 2025-26

4. ACTION ITEMS

- o Minutes - January 8, 2025
- o Minutes - January 13, 2025

Chairman John Pulgini began the meeting at 9:02am.

Director Sheri Bowles presented first. Director Sheri Bowles provided a brief update on the RFP process for the new Springfield DIA office and that the process was ongoing.

Without questions for Director Bowles, the floor was directed to Senior Judge Omar Hernández.

Senior Judge Hernández mentioned that the conciliation numbers look great, thanks to Dele Edibiri and his team. Without questions for Senior Judge Hernández the floor was directed to Bill Taupier, Director of Administration.

Mr. Taupier presented the Monthly Statistical Report Card slide deck for the Department of Industrial Accident (DIA) units.

With respect to conciliations, in February 537 cases were resolved (51%) and 516 were referred to conference. The average waiting period for a conference is 12-26 weeks. Dispute Resolution: fluctuations in the conference & hearing queues will depend upon number of cases being referred from conciliation, conference order appeals, judges scheduling cycles, continuance requests and regional variations.

With respect to the March conference queue, there are 1,272 and 1,973 in the hearing queue for March. There have been 4,589 continuances as of February 28, 2025. 6,730 continuance requests were received in FY25. These are a rolling total, not a cumulative total. The number of conferences scheduled: 568, hearings scheduled 191, orders issued 206 and appeals to reviewing board: 2.

With respect to the pending hearing decisions, there were 9. Review Board inventory: 27, Fee waivers granted: 40, Exam fees collected: \$939,332, Attorneys fees: \$59,163,892, Referral fees: \$2,493,037, and Section 7/8 penalties: \$0. Note: Attorneys fees are not paid by the DIA, these fees are paid by the insurer to the claimant's counsel at certain stages of the dispute resolution process. Senior Judge Hernández mentioned the increase in pending hearing decisions had to do with the most complicated cases that the DIA has had in 40 years.

Council Member Bernie Mulholland asked about the backlog in Lawrence. Senior Judge Hernández will be working to adjust that backlog by having judges rotate to the Lawrence DIA office to keep the backlog down. The office is moving cases the best that they can.

First Report of Injury (FRI) filings for FY'25 were 21,171 with 2,435 for the month of February. The number of Cases filed was 772. Cases filed by type: 6,710 total cases, 5,408 employee claims, 1,176 in Insurance discontinuances, and 126 third-party claims.

Mr. Taupier provided statistics on compliance and enforcement for FY'25: 12,284 compliance letters, 31,169 field checks, and 24,788 office checks. In February, there were 6,689 compliance checks, 235 field investigations conducted, 302 more employees newly covered by workers' compensation, who were not previously covered by a policy.

There were 119 Stop Work Orders, this includes 2 default - 828 SWOs issued year-to-date, and fine collection was \$488,090. There were 75 total uninsured injuries, with 36 laborer (occupation), with 33 in the construction industry

Council Member Steve Joyce asked about the uninsured cases with respect to the investigations, as there appears to be a lot in the construction field. Council Member Joyce asked if there were random checks done in the construction industry. Investigations Director Jon Solomon replied that the investigators do visit employers in the construction industry on a random basis.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$9,800,000 there were \$4,240,110 in payments against open claims and there was \$410,322 recovered by the Civil Litigation Unit. Please note, the claims paid in the current fiscal year may have occurred in the prior fiscal year. The Civil Litigation Unit make every effort to recover monies owed by utilizing the authority of M.G.L. Chapter 152 to recover money paid on uninsured claims through legal action against the employer in question. For comparative reasons, the left hand side is benefits side with budget, and on the right hand side is civil recovery. Please note, claims may be determined to be insured or underinsured after they've been filed. Mr. Taupier explained that the laborers occupation is not limited to construction.

The Second Injury budget is \$31,000,000 and payments made were \$17,772,133. Chart shows dollars paid for Sec. 37 /37A Claims (including quarterly payments and interest) by Fiscal Year. Sec. 37/37A claims are filed by insurers who are seeking reimbursement up to 75% of benefits paid for a second injury per the statute. In addition, the numbers indicate final payments have been registered in the state accounting system known as MMARS. Additional payments may be in process and are not yet registered in MMARS at the time of this publication.

COLA reimbursements were \$4,120,726 with a \$16,000,000 budget. These numbers lag throughout the fiscal year. The dollar amounts indicate the final payments that have been registered in the state accounting system known as MMARS. Additional payments are often in process that have not yet registered in MMARS at the time of this publication.

Assessment collection budget is \$79,000,000 with a payment of \$40,405,652.

Personnel: there were 200 employees (67 Administration, 78 dispute, 16 legal, 29 WCTF, and 10 finance). An apprenticeship program was launched in the Investigation Unit, this added an apprentice position which will be a pathway to an investigation position. Slide deck has been adjusted to reflect breakdown of personnel. Staff: paid from either the General Appropriation Account or the WCTF depending upon their job. These numbers reflect full-time and part-time employees as of the close of the month.

Without questions for Mr. Taupier the floor was directed to Executive Director Maureen O'Connell.

Good Morning, everyone. Executive Director O'Connell provided a status update on the legislation for this year. On the agenda today is workers' compensation trends, please let me know if there are specific areas that the Council should be focused on. The Executive Office is working with Boards and Commission on filling the vacant seats on the Council - both voting and non-voting positions, and is also working on reappointing Council Members who are operating in expired terms. Lastly, I would like to provide clarification on our meetings that we have on a monthly basis. Our meetings are not canceled solely on the Council not having a quorum present - meetings are canceled based on no DIA updates, vacations, and when data is not available. The Council requires a quorum present to vote on matters before the Council.

With a quorum present, Council Members were able to vote on two sets of minutes for January 2025 (January 8 and January 13). Chairman Pulgini ended the meeting at 9:36am.