

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

October 11, 2000
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 (Donald Baldini); Frank Fanning; Stephen Sampson; Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan); Department of Economic Development (Thomas McCullough).

Also Present: DIA: Vin Luca; Jim Hayes; Tom Griffin; Doug Sears; Ken Owens (Commerce & Labor Committee); Karen Wager (WCRIB).

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

Absent: CM: Joseph Tamulis; Jeanne-Marie Boylan; Robert Banks; Antonio Frias; John Perry; Bruce Cochrane.

Agenda:

DIA Update

- Action Items

Lawrence Office Advisory Council Meeting

Executive Director Update

Miscellaneous

Chairman Carnes conducted today's meeting and recognized Council Member Baldini.

Council Member Baldini addressed the Council and informed Members that he would be leaving his position at AIM and would be relinquishing his seat on the Council. He expressed his pleasure in serving on the Council and stated that a replacement for AIM would be in place by the next Council Meeting. He also stated that if anyone needed his assistance he would be working for the American Insurance Association in Boston.

DIA Update

Mr. Luca came before the Council today to update Council Members. He introduced Doug Sears who has been working with judicial matters in the absence of a Senior Judge.

Mr. Luca informed Council Members that there are now twenty-two Judges on-line and one Judge off-line. He indicated that a Senior Judge would likely be appointed by next week and that the other Judges' re-appointments would be made shortly.

He gave the judicial statistics as follows: Claims: 14,183; Conference Queue: 1,862; Hearing Queue: 1,235; Reviewing Board Inventory: 274; Section 37's: 2,283; Average

Time to File Decisions: 83.2 days; and Outstanding Decisions Average: 39. The impartial statistics were not available for this month.

Chairman Carnes noted that the both the Advisory Council and Council Member Pierce had sent letters to the Governor regarding the need of judicial appointments. He stated that he was pleased that the issue was going to be resolved. Chairman Carnes and Council Member Pierce thanked Doug Sears for his assistance.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders, which had been included in Council Members' packets. Total Investigations for September 471; Total SWO's Issued: 154; Total Fines Collected: \$38,010; and Total Fines Billed: \$13,750. The column for "Total Fines Owed" will not be included until there is an agreement with Comptroller. He stated that he had changed the format in the report's totals and will be adding the figure for "Total Number Outstanding" for next month's Council meeting.

Mr. Luca also stated that employers who have no employees and who must carry workers' compensation insurance are suing the DIA. The case is now in Superior Court and he will inform Council Members of the outcome.

Personnel Issues

Mr. Luca continued with his update to Council Members on recent personnel issues and referred to his handout in Council Members' packets. An Administrative Secretary had resigned, there was a new hire of a Counsel II, an Administrative Law Judge new hire, and a new hire of an Administrative Secretary. There was one retirement of a Vocational Rehabilitation Counselor. As of September 30, 2000: 286. 4 positions filled.

Assessment Audit

Mr. Luca told Council Members that there are now 29 companies being audited (25 are now under review and 4 have been completed). Of the 4 audits completed, the DIA had a \$580,066 shortfall and \$69,062 that had been overpaid. Mr. Luca stated that total number of Billings were about \$328,000 (which represents some of the on-going but not completed audits). He also stated that the DIA had negotiated a rate decrease with one company. When asked about the average time span for an audit, Mr. Luca replied that although the first audit, Arbella, had been quick because of the good order of their books, they could not judge how long other audits would take to complete.

Chairman Carnes thanked Mr. Luca for his update.

Action Items

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

Motion made to accept the September 2000 minutes.

MMS - passed.

Lawrence Office Advisory Council Meeting

Chairman Carnes announced that the next meeting of the Advisory Council would be held at 10:00 AM at the Division of Industrial Accidents, 160 Winthrop Avenue, Lawrence, MA. Notices of this meeting and directions will be sent to Council Members.

Chairman Carnes requested that arrangements be made for a luncheon for the members and friends of the Advisory Council sometime in December. Council Members will be able to express their appreciation to Council Member Baldini at this function.

He further asked that the DIA inform the Council of the necessary procedure to be followed to have this function sometime after the December meeting.

Mr. Luca stated that he would have the necessary information for Council Members by the next meeting.

Executive Director Update

Executive Director, Denise Lucciola updated Council Members on recent events. Ms. Lucciola noted that the Governor had reappointed some of the Council Members (Council Members Banks and Falcone), and had appointed Stephen Sampson to replace Council Member Morrisroe.

Ms. Lucciola informed Council Members that Mr. Hayes has established an Oracle Steering Committee and that Vice Chair Corcoran, Mr. Burton and herself would participate in the meetings as representatives of the Council.

Ms. Lucciola stated that a copyright notice was recently placed on the Council's website in response to the website www.workerscompensation.com. Andrew Burton had discovered this website was utilizing Advisory Council material without proper consent. She explained that DIA's General Counsel, Richard Fairbrothers, has dealt with the Counsel of this website and will draft a formal letter from the Council and the Department.

Ms. Lucciola introduced Mr. Ken Owens, Researcher for the Joint Committee on Commerce and Labor. He will be working with Ms. Lucciola to implement Advisory Council legislative concerns (Judges' Code of Ethics, Staggering Terms For Judges, Employer Fines, etc.). Mr. Owens told Council Members that the deadline for the drafting of legislation for State Agencies was at the end of November.

Miscellaneous

Chairman Carnes introduced Mr. Stephen F. Sampson, business Manager, representing International Union of Elevator Constructors, Local No.4 (AFL-CIO) who has recently been appointed to the Council.

Chairman Carnes congratulated Andrew Burton, Research Analyst, of the Advisory Council for his alertness in finding an error in the Tillinghast Report. He stated that as a result of the mathematical correction he will have saved employers millions of dollars in decreased assessment fees. In recognition of his performance he presented Mr. Burton with a citation signed by Governor Argeo Paul Cellucci, Governor of the Commonwealth of Massachusetts. Special thanks was given to the Department of Labor & Workforce Development, Joan Lenihan, Janice Tatarka, and Angelo Buonopane who made it all possible to obtain this award for Mr. Burton.

Chairman Carnes thanked all those who had presented at today's meeting and asked for a motion to adjourn.

Motion made to adjourn.

MMS - passed. Meeting adjourned 10:30 a.m.

The next regular meeting of the Advisory Council: November 8, 2000 at 10:00 AM, Division of Industrial Accidents, 160 Winthrop Avenue, Lawrence, MA 01843