

**Massachusetts Workers' Compensation
Advisory Council Minutes**

November 13, 2002

Department of Industrial Accidents

600 Washington Street, 7th Floor

Boston, MA 02111

Present: Chairman William H. Carnes; Vice Chairman Edmund C. Corcoran, Jr. CM: Tom Jones; Robert Banks; John Perry; Frank Fanning; Antonio Frias (Inez Leonardo); Stephen Sampson; Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan); Department of Economic Development.

Also Present: DIA: Commissioner Thomas J. Griffin; Deputy Commissioner Priscilla J. Conant; Senior Judge Dan O'Shea; Jerome Shea, Director of Administration; Bill Taupier, Deputy Director of Administration and EDP; Richard Morris, First Deputy Director of Administration; Paul Griffin, DIA Legal Counsel; Gerald Pugsley, Mass Turnpike; Karen Wager (WCRIB). Advisory Council Staff: Denise Lucciola; Andrew Burton; Ann Helgran.

Absent: CM: Jeanne-Marie Boylan; Bruce Cochrane; Department of Economic Development.

Agenda

DIA Update

Oracle Conversion - Phase II

RFR Discussion - Mercer Risk, Finance, and Insurance Consulting

Action Items

- Minutes - October 2002

Executive Director Update

Miscellaneous

Chairman Carnes conducted today's meeting.

DIA Update

Senior Judge O'Shea updated Council Members on current judicial statistics. Conference Queue: 1,986; Hearing Queue: 2,054; Reviewing Board Inventory: 93; Impartial Exams: 1,394 (41waivers).

Senior Judge O'Shea informed Council Members that there had been positive feedback regarding the new impartial rates and that he would be attending a subcommittee meeting with members of the HCSB to discuss appropriate methods to recruit doctors. Advisory Council Meeting November 13, 2002 2

Stop Work Orders

Mr. Shea updated Council Members on the stop work orders statistics. Total Investigations for October: 867; Total SWO's Issued: 177; Total Fines Collected: \$42,633; Total Fines Billed: \$24,400.

Budget

Mr. Paul Griffin informed Council Members that the budget status was unchanged and that there was nothing to report. When asked about the current lease for the Boston DIA Headquarters, Commissioner Griffin replied that it had been extended for five years and that the Worcester Office's lease would expire in June.

Personnel Issues

Mr. Shea continued to update Council Members on the Personnel Statistics (attached to minutes). Total DIA positions filled as of October 31, 2002 = (299).

Assessment Audit

In his update to the Council regarding the assessment audit, Mr. Griffin stated that Eastern Casualty had remitted another \$14,000 and that Liberty Mutual was in receipt of the DIA's demands and was expected to respond by November 28, 2002.

Oracle - Phase II

At the October 9th Advisory Council meeting, Council Members were presented with a detailed overview of Phase II of the Department of Industrial Accidents database conversion to Oracle. During a telephone poll conducted between October 31st and November 1st the Advisory Council Members voted to release funds from the Special Fund totaling \$2,200,000 to the Department to support the conversion to Oracle.

Mr. Morris addressed the Council and stated that ITD had approved the funds and that the Treasurer was expected to release the funds today. He also noted that the RFR was in place and that the start date was anticipated to be December 1, 2002. Vice Chairman Corcoran again expressed the concern that the Special Fund not be used as a supplemental budget.

Chairman Carnes thanked the members of the Department for their input.

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Advisory Council RFR

The Executive Director stated that only one vendor submitted a proposal to the Advisory Council's RFR: Mercer Risk, Finance, and Insurance Consulting (Mercer). She noted that the Council Members had been previously mailed Mercer's proposal so that it could be discussed in detail at today's meeting.

Discussion followed. Ms. Lucciola noted that the cost proposal submitted by Mercer reflected a budget "not to exceed \$55,000." The Executive Director explained that Mercer's cost proposal significantly exceeded the FY'03 funds (\$20,000) the Council had budgeted for this project. Ms. Lucciola explained that the Council could either vote to accept the proposal as submitted, vote to invite Mercer in for possible negotiation, or vote to cancel the current RFR and put the bid out again. Discussion followed. Council Members were in agreement that the RFR should be put out to bid again using the same language (with minor clarifications) for a period of 30 days. Motion made to cancel the RFR and put a new RFR with similar language out to bid.

MMS - passed.

Vice Chairman Corcoran suggested that the Council's next meeting date be changed to allow Council Members adequate time to review bids prior to the Council's meeting. Council Members agreed to hold the December meeting on December 18th.

Chairman Carnes confirmed that the next meeting of the Advisory Council would be held on December 18, 2002.

Judicial Terms - Proposed Legislation

Council Members had been given an outline of proposed legislation for the staggering of Judicial Terms in their packet today (attached to minutes). Chairman Carnes thanked both Senior Judge O'Shea and Judge Tirrell for their assistance in formulation the language in Section 1 of the proposal.

Discussion was held regarding the language of the proposed legislation. Council Members agreed that the last sentence of the proposed draft (under Section 2) should be eliminated and reworded. Council Member Pierce suggested that the amended sentence read: "If the performance review supports continuation of the said appointed term, that the Administrative Judge shall continue to serve the remainder of said appointed term. If the performance review recommends against a continuation of said appointed term, said performance review shall be submitted to the Governor for appropriate action pursuant to section 8 of chapter 23E."

Motion made to accept the language proposed by Council Member Pierce.

MMS - passed.

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Action Items

Motion made to accept the October Minutes.

MMS - passed.

Executive Director Update

Executive Director, Denise Lucciola addressed the Council and formally resigned her position of Executive Director. She thanked the Members of the Council, Members of the Department and her staff for their support and opportunity to serve as Executive Director of the Advisory Council.

Miscellaneous

Chairman Carnes suggested that a motion be made that Andrew Burton be made Acting Executive Director. Vice Chairman Corcoran agreed. Council Members motioned to make Andrew Burton Acting Executive Director.

MMS - passed.

Chairman Carnes noted that a luncheon would be held after the meeting for Ms. Lucciola. Both the Chair and Vice Chair extended their gratitude to Ms. Lucciola in her role as Executive Director and they wished her well in her new endeavor.

Ms. Lucciola was presented with gifts and plaques from both the Council and Department of Industrial Accidents in a show of appreciation for her efforts.

Commissioner Griffin announced that members of the State Auditor's Office would be at the DIA on Monday.

Motion to adjourn.

MMS - passed - meeting adjourned 11:00 a.m.

The next regular meeting of the Advisory Council: December 18, 2002 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, at 600 Washington Street, Boston, MA 02111.