

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

December 13, 2000
Venezia Restaurant
20 Ericsson Street
Boston, MA 02111

Chairman: William H. Carnes

Vice Chairman: Edmund C. Corcoran, Jr.

Present: Vice Chairman Edmund C. Corcoran, Jr. CM: Angelo Buonopane; Richard Lord (Tom Jones); Stephen Sampson; John Perry; Antonio Frias (Inez Leonardo); Joseph Tamulis; Robert Banks; Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan); Department of Economic Development (Thomas McCullough).

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

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

Absent: CM: Chairman William H. Carnes; Jeanne-Marie Boylan; Frank Fanning; Bruce Cochrane.

Agenda

DIA Update

Action Items

- Minutes - November, 2000

Executive Director Update

Miscellaneous

Vice Chairman Corcoran conducted today's meeting and thanked those who had helped to arrange the location of today's meeting. He then recognized Senior Judge O'Shea.

DIA Update

Senior Judge O'Shea updated Council Members on the current judicial statistics. Conference queue: 1,717; Hearing queue: 1,124; Reviewing Board inventory: 230; Impartial exams: 1,645 (23 waivers).

Vice Chairman Corcoran asked the Senior Judge to update the Council on the status of judicial vacancies.

Senior Judge O'Shea explained that there was one position open in the Reviewing Board for an Administrative Law Judge. As for Administrative Judges, the Senior Judge explained that two positions are open (including his previous term), while two AJ's are pending re-appointment.

Vice Chairman Corcoran thanked Senior Judge O'Shea for his update.

Stop Work Orders

Mr. Luca reviewed the statistics in the stop work orders report, which had been included in Council Members' packets. November Total Investigations: 573; Total SWO's Issued: 203; Fines Collected: \$34,293.00; and Total Fines Billed: \$13,800. Mr. Luca stated that he had not included a section of the stop work order report on the collection process because companies had been mentioned by name. In regard to the fines owed, there are presently two possible bankruptcies and seven other companies out of business. The Department is presently working with the Legal Department and the Comptroller Office as to what procedure could be applied to the collection and litigation of these companies. The total fines owned column will be added when the process is complete.

Personnel Issues

Mr. Luca continued with his update to Council Members on recent personnel issues and referred to the memo enclosed in Council Members' packets. The following reflects the personnel changes: An Investigator (new hire) in Investigations; A Secretary (rehire) in Judicial Support; A Chief Investigator (promotion) in Investigations; and A Senior Judge (promotion) in Boston Dispute. Total DIA positions as of November 30, 2000: 288.2.

Budget

Mr. Luca stated that there was nothing to report on budget issues today.

Assessment Audit

Mr. Luca distributed the Insurance Audit report to Council Members (attached to minutes). He referred to the last page and the total of \$83,310. Council Members inquired as to how the Department became aware of which companies were anticipating going out of business. Mr. Luca stated that the Division of

Insurance was supposed to notify the DIA. Mr. Luca said he would ask the Office of Insurance to confer with the Division of Insurance to remain updated on this issue. Mr. Luca emphasized that the purpose of conducting the audit was to show not only what is owed, but also to recognize those companies that have overpaid. The DIA is currently arranging a credit for those who have overpaid. Mr. Luca noted that at this time, the audit is recovering more than it is spending.

Vice Chairman Corcoran thanked Mr. Luca for his update.

Action Items

Minutes

Vice Chairman Corcoran asked for a motion to accept the November minutes.

Motion made to accept the November minutes.

MMS - passed.

Vice Chairman Corcoran recognized Commissioner James Campbell

Commissioner Campbell wished everyone a happy holiday. He said he would like to take this opportunity to announce that he would be leaving his position sometime after the first of next year. He stated that he was proud to have had the opportunity to work in the position for nine and a half years. During that time he has seen the backlog reduced, workers' compensation claims cut in half, and the development of a better workers' compensation system to assist injured workers. He also thanked the Advisory Council for their support during the time that he had served as the Commissioner.

Executive Director Update

Executive Director, Denise Lucciola, thanked the Commissioner on behalf of all the Council Members for his hard work throughout the years serving as Commissioner.

The Executive Director reviewed with Council Members the enclosures in their packets. Ms. Lucciola referred to the "Fiscal Year 2000 in Review" section of the Annual Report and stated that the majority of this section had been completed. She also referred to the "Concerns and Recommendations" section and noted that it was being updated to mirror the same concerns of last year. Ms. Lucciola continued to state that as soon as the requested insurance data is received, the Year in Review section would be completed. She asked that Council Members inform her if they had any suggestions or changes to the report.

Ms. Lucciola continued to inform Council Members that she had attended the Oracle Steering Committee on December 5th along with Mr. Burton and Vice Chairman Corcoran.

She informed Council Members that the project is progressing with one concern that the Department is currently addressing. The concern deals with the hardware that the Department had ordered through Sun Systems. It has not been delivered, and the DIA has not been given a delivery date due to completion issues of the specific hardware.

Vice Chairman Corcoran suggested at the meeting that if they did not receive a delivery date by January, the DIA should proceed to order the hardware from another vendor.

Deputy Director Jim Hayes stated that he had a meeting with Oracle in which a solution had been formulated. He stated that the Department would substitute for an alternative model at the same cost and with no delay.

Ms. Lucciola continued to update Council Members and stated that on November 13th, Chairman Carnes and Vice Chairman Corcoran met with Representative Larkin to discuss the Judge's Staggering legislation. The bill has been re-filed for the upcoming legislative session. She will keep the Council updated on the results and wished everyone a joyous holiday season.

Vice Chairman Corcoran wished everyone a Happy Holiday and asked for a motion to adjourn.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 12:30 p.m.

The next regular meeting of the Advisory Council: January 10, 2001 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.