

**Massachusetts Workers' Compensation
Advisory Council Minutes**

December 18, 2002

Department of Industrial Accidents

600 Washington Street, 7th Floor

Boston, MA 02111

Present: Chairman Thomas M. Jones CM: Robert Banks; Frank Fanning; Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan).

Also Present: DIA: Commissioner Thomas J. Griffin; Deputy Commissioner Priscilla J. Conant; Senior Judge Dan O'Shea; Richard Morris, First Deputy Director of Administration; Paul Griffin, DIA Legal Counsel. Gerald Pugsley, Massachusetts Turnpike Authority; Karen Wager (WCRIBM).

Advisory Council Staff: Andrew Burton; Ann Helgran.

Absent: Vice Chairman William H. Carnes; CM: Edmund C. Corcoran, Jr.; John Perry; Antonio Frias; Stephen Sampson; Jeanne-Marie Boylan; Bruce Cochrane; Department of Economic Development.

Agenda:

1. DIA Update
2. Legislative Subcommittee Update
3. Concerns & Recommendations Discussion
4. Action Items
 - A. Minutes - November 2002
5. Executive Director Update
6. Miscellaneous

Chairman Jones conducted today's meeting.

DIA Update

Senior Judge O'Shea congratulated Council Member Jones on his recent appointment as Chairman of the Advisory Council.

The Senior Judge updated Council Members on current judicial statistics. Conference Queue: 2,103; Hearing Queue: 2,103; Reviewing Board Inventory: 125; Impartial Exams: 1,751 (49 waivers). The Senior Judge also informed members of the Council that Judicial appointments would be implemented by the new administration in January.

Advisory Council Meeting December 18, 2002 2 Chairman Jones inquired about the number of judgeships waiting for appointments. The Senior Judge stated that a nominating panel would have to be convened when an active judge's term expires in January.

Stop Work Orders

Mr. Morris updated Council Members on the status of stop work orders. Total Investigations for November: 578; Total SWO's Issued: 177; Total Fines Collected: \$47,518.00; Total Fines Billed: \$35,800. He noted that the DIA was contemplating the acceptance of credit cards in the collection of fines.

Personnel Issues

Mr. Morris continued to update Council Members on the Personnel Statistics. Total DIA positions filled as of November 30, 2002 = (298). Chairman Jones recognized Commissioner Griffin and asked if there was anything he would like to discuss at this time. The Commissioner wished everyone a Happy Holiday.

Legislative Subcommittee Update

Council Member Falcone updated members of the Council regarding the Legislative Subcommittee meeting that was held at the State House on November 20, 2002 with Representative Koczera. She noted that in attendance at this meeting was: Chairman Jones, Ed Corcoran, Alan Pierce, Carol Falcone, Andrew Burton, Senior Judge O'Shea, Administrative Judge Richard Tirrel, and Bill Taupier.

Council Member Falcone explained that Representative Koczera had recently filed Judicial Staggering legislation that would "naturally" stagger judicial terms by making the appointment of all Administrative Judges for 6-year terms. She noted that also included in the legislation was a system of judicial performance review. Language in both sections of this bill was previously endorsed by the Advisory Council. Council Member Falcone stated that the bill is co-sponsored by Representative Greene and Senator Pacheco and will be monitored closely in the 2003-2004 Legislative Session. Chairman Jones thanked Council Member Falcone and the members of the Legislative Subcommittee for their assistance in this matter.

Concerns & Recommendations Discussion

Chairman Jones referred to the Concerns and Recommendation section of the Annual Report that had been distributed to Council Members. Discussion followed. Suggestions were made regarding specific language amendments to various concerns mentioned in the report. The Executive Director stated he had spoken with Council Member Corcoran who suggested that Phase II of the Oracle project be included in the Concerns & Recommendations. Council members agreed. The Council stated they would assist the Advisory Council Meeting December 18, 2002 3 Executive Director in redrafting this section of the Annual Report. A final draft of the Concerns & Recommendations will be mailed to the Advisory Council members for review.

Chairman Jones informed Council Members that the January Meeting will include the bidder selection process and a final review of the Annual Report. The Chairman also stated that the November Minutes will be voted on at the next meeting.

Executive Director Update

Acting Executive Director, Andrew Burton, addressed the Council and noted that a draft of the Fiscal Year 2002 Annual Report included a memorial page for the late Jim Hayes who was instrumental in the obtaining of information for the Advisory Council.

Insurance Rate Filing

The Executive Director informed Council Members that two proposals had been received as a result of the Advisory Council's RFR for the Rate Filing Analysis. The Executive Director stated that the two bidders were: Tillinghast Towers-Perrin and Mercer Risk, Finance, & Insurance Consulting. Copies of the proposals were previously mailed to Council Members. Mr. Burton stated that he had conducted reference checks on both of the bidders and has invited them to attend the January 8th Advisory Council Meeting.

The Executive Director stated that he has asked each vendor to prepare a brief presentation of their services along with answering interview questions from the Procurement Team Members (Voting Advisory Council Members). Mr. Burton explained that after the presentation and questions, the Procurement Team Members would then complete their "Scorecard Totals" and the bidder with the most points would be selected for the contract.

Miscellaneous

Assessment Audit Council Member Banks asked for an update on the Assessment Audits. General Counsel, Paul Griffin, stated that Eastern Casualty is continuing to remit payments to the DIA and that Liberty Mutual is in negotiations with the Department. Mr. Griffin noted that A.I.G. was comprised of a number of host companies and the audit process had begun. Chairman Jones suggested that a full update on the audits be presented at the next meeting and thanked members of the Department for their input.

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Advisory Council Staffing

The Executive Director explained to members that the Council has statutory authority to appoint such personnel as necessary for the proper discharge of their duties. Mr. Burton made a request to members that he be authorized to begin the process of posting a Research Analyst III position to assist the Council. Advisory Council members agreed. Commissioner Griffin stated that the position could only be filled internally because of the hiring freeze.

Chairman Jones thanked the Commissioner and adjourned the meeting.

Meeting adjourned 10:30 a.m.

The next regular meeting of the Advisory Council: January 8, 2003 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, at 600 Washington Street, Boston, MA 02111.