

**Massachusetts Workers' Compensation
Advisory Council Minutes**

August 12, 1998

Department of Industrial Accidents

600 Washington Street

Boston, MA 02111

Chair: Edmund C. Corcoran, Jr.

Vice Chair: William H. Carnes

Present: Chairman Edmund C. Corcoran, Jr.; Vice Chair William H. Carnes. *CM:* Edward Sullivan, Jr.; Robert Banks; John Gould (Donald Baldini); John Perry; Carol Falcone; Alan S. Pierce; Department of Labor & Workforce Development (Janice Tatarka).

Also Present: DIA: Senior Judge Jennings; Commissioner Campbell; Tom Griffin; Bill Sivert; Jim Hayes; Dino Theodore; Bob Davis; Bob Roesch (WCRIB).

Staff: Matthew Chafe; Andrew Burton; Ann Helgran.

Absent CM: Jeanne-Marie Boylan; Lawrence Morrisroe; Joseph Tamulis; Tony Frias; Bruce Cochrane; Department of Economic Affairs.

Agenda:

DIA Update

Action Items

- Minutes - July 15, 1998

Corporate Officers Legislation

Chairman Corcoran conducted today's meeting.

DIA Update

Senior Judge Jennings updated the Council. The conferences queue is 2,100 and the hearing queue is 1,542. He reported that the reviewing board queue is 265; and that impartial exams are up-to-date. There will be three new judges in training beginning August 31st, and there are still two more judges to be appointed. Training for judges consists of an in-house program; personnel from the impartial unit and the scheduling unit speak with the judges, judges are assigned to the courtroom for instructions and are given a limited number of conferences and hearings for 12 weeks.

Chairman Corcoran asked Senior Judge Jennings to comment on the decisions outstanding (Executive Director's memo attached to minutes). Senior Judge Jennings stated that caseloads make a difference in the statistics. Currently decisions are not considered outstanding until 120 days from the initial hearing schedule date. He suggested that the cycle begin at 90 days rather than 120 days, which would drop off 30 days.

Chairman Corcoran thanked Senior Judge Jennings for his update.

Stop Work Orders

Mr. Sivert reviewed the statistics on stop work orders. July Investigations, 416; SWO's issued, 192; fines collected, \$41,117.00.

Budgetary Matters

Personnel Issues

Mr. Sivert updated Council Members on recent personnel issues. He distributed a status report, which is attached to the minutes.

Mr. Sivert explained that the DIA had requested a budget of \$18,628,828 for fiscal year 1999 but was appropriated \$17,768,412, a reduction of \$341,500. He noted that the cuts would be made in two data processing programs: the update for the courtroom 2000 program and the conversion from the old operating system to Oracle.

Chairman Corcoran referred to a draft letter to the Commissioner (included in Council Members' packet and attached to minutes) indicating the Council's concern regarding money held in reserve and reflected as year-end balances. He asked for comments on the use of these funds.

Discussion followed. Members stressed that the money left over should go back to employers.

A motion was made to send the letter to the Commissioner.

MMS - 7 affirmative -1 opposed - passed

Assessment Audit

Mr. Sivert distributed an open solicitation document that appeared on the Internet on 7/31/98 (attached to minutes). Discussion followed regarding its contents and Council Members voiced concern regarding the estimated cost value of \$500,000. Mr. Sivert stated that they did not have an idea of what the cost would be until the actual bids were received. They had placed a limit on the value of any contract at \$500,000 per year per vendor: it is possible more than one vendor could be awarded a contract and that the contract could be for several years. The audit will be a one to three year project. Council Members asked as to where the money would come from for this project and were informed that the DIA would have to program for the money in their budget.

Chairman Corcoran thanked Mr. Sivert for updating the Council.

MUTTS

Mr. Davis informed Council Members that he would be able to have a status report of the progress of phase I for the October Advisory Council meeting.

Action Items

Chairman Corcoran asked for a motion to accept the July 15, 1998 minutes.

Motion made to accept the minutes.

MMS- passed.

Corporate Officers Legislation

The Executive Director included in Council Members' packets a copy of a bill drafted by Senator Lees which had not yet been (attached to minutes). Council Members reviewed and commented on it.

Concern was expressed as to how many corporate officers would opt not to carry workers' compensation and its impact on the Trust Fund. DIA General Counsel Dino Theodore noted that there is always the potential it would affect the Trust Fund, but to what extent was difficult to speculate.

Chairman Corcoran stated that the Commerce and Labor Committee had asked for the Council's thoughts regarding this legislation. Council members agreed to wait until this matter became an actual issue.

A motion was made that the Council takes no action on this issue until it is filed as legislation.

MMS - passed

Motion made to adjourn.

MMS - passed

Meeting adjourned 10:30 a.m.

The next regular meeting of the Advisory Council will be held on September 9, 1998, 9:00 AM, at the Division of Industrial Accidents, 7th Floor Conference Room, 600 Washington Street , Boston, MA 02111.