

Workers' Compensation Section Council-State Bar of Michigan
Minutes of the meeting of the Council of May 8, 2020

The meeting was called to order by Chairperson Andrea Hamm

Attendees: **Andrea Hamm, Rosa Bava, Jayson Chizick, Phil Frame, Rick Lovernick, Daryl Royal, Jack Nolish, Luke McMurray, Chris Westgate, Danial Hebert, Jessica Stark, Sam Larrabee, Sean Shearer, Jeff Kirschner, John Combs and Dan Zolkowski**

Report of the Secretary: The secretary presented the minutes of the meeting of March 16, 2020 and April 3, 2020
Lovernick ***moved*** to approve the minutes of the meetings.
Stark ***seconded*** the motion.
Motion passed unanimously
The secretary noted that the past-chairperson's event was canceled.
Chizick is attempting to obtain a refund for our deposit from the Lugnuts.

Report of the Treasurer: The treasurer reported that there is a balance of approximately \$58,000 in our account. Annual revenue from dues amounts to approximately \$17,710. The council plans to raise dues by \$5 per member, and that vote will be put to the section at the Annual General Meeting. Frame is following up with the State Bar regarding Bar notification requirements for dues increase.

Report of the Director: Director Nolish was pleased to be back as director and participating in council meetings. As a result of the recent executive Order 2020-77, Agency dockets are posted electronically through the end of May, 2020. Director Nolish is in the process of revising the WDCA general rules and sought advice of Council on the rules. The Council struck an advisory committee consisting of Dan Zolkowski, Rosa Bava, Sean Shearer and Chris Westgate. The advisory committee will consult with Director Nolish and Chief Magistrate McMurray on the proposed new rules.

Director Nolish indicated that about 90% of the WDCA staff are working remotely at this time. Agency operations remain the same. The director is considering how to handle cases and hearings in accordance with social distancing in the future, including the use of video hearings. Concerns were raised by council members as to witness credibility and other magistrate determinations that may be impacted by video hearings. Director Nolish raised a concern about injured workers being threatened with loss of benefits as a result of non-appearance at IME or FCE appointments. Director Nolish indicated that there is some question as to whether any IME's should be occurring at this time given EO 2020-77.

Report of the Chief Magistrate: Chief Magistrate McMurray indicated that staying safe is his primary concern for the parties and staff. Chief Magistrate McMurray is evaluating social distancing issues before magistrates, with many different issues subject to discussion and evaluation.

Report of the Appellate Commission Chair: Chair Royal advised that 46 appeals are pending. The appellate rules are being worked on at this time.

Newsletter: Zolkowski plans to get the completed newsletter to the State Bar next week with plans to get the newsletter out to the section within sufficient time for a 30 day notice of the Annual Meeting.

Legislative Update: Combs advised of the rules being addressed per prior discussion in this meeting. There are two Covid-19 emergency rules from the WDCA Director Nolish regarding first response

employees. At the present time there are two bills before the legislature. The Senate bill is narrow as to both the identity of the first response employee and specifies the bill applied only to Covid-19. The House bill is general to any essential worker and infectious disease. The latter would likely cover more workers outside of the medical field, such as grocery store employees.

Annual Meeting: Chairperson Hamm provided an update to council about the annual meeting. The annual meeting in Grand Rapids is canceled and is being replaced with a Zoom meeting on June 19, 2020 at 9a.m. Voting for officers and new members will be by via zoom during the meeting only. Lovernick has a Zoom premium account and graciously agreed to set up the Zoom conference. The Zoom conference details will be sent via e-blast and the newsletter with appropriate information on the nominated candidates, issues for consideration and Agenda. The council plans to honor 50-year members and Hall of Fame inductees during the annual meeting. In addition, the Don Ducey award will be presented.

The nominating committee of the Workers' Compensation Section has made the following recommendations and nominations to council for executive officers and new 3-year council terms commencing June 2020:

Chairperson: Rosa Bava
Vice-Chairperson: Jayson Chizick
Secretary: Phil Frame
Treasurer: Matt Conklin
Council Member: Alicia Birach, Jacob Bender, Sean Shearer

The Hall of Fame nominating committee of the Workers' Compensation Section has made the following recommendations for induction into the Workers' Compensation Section Hall of Fame:

Cynthia Krieger and Roy Portenga

Awards for all honorees will be provided when safe to do so secondary to Covid-19.

New Business: None

Adjournment: McMurray ***moved*** council adjourn the meeting.
 Westgate ***seconded*** the motion.
 Motion passed unanimously and the meeting was adjourned.

Respectfully submitted,

Jayson Chizick, Secretary