

## **MINUTES OF 11/4/16 WC COUNCIL MEETING**

Ella Parker called the meeting to order at 9:00am. In attendance: Ella Parker, Tim Esper, Dennis Flynn, Andrea Hamm, Chris Westgate, Matt Conklin, Phil Frame, John Combs, Mark Sesi, Jayson Chizick, George Wyatt, Mark Long, Lisa Klaeren, and Rick Lovernick. Upon motion by Lovernick, seconded by Hamm, the minutes of the 9/16/16 Council meeting were adopted unanimously.

### **TREASURER'S REPORT**

The written report submitted by Andrea Hamm shows a balance of \$78,268.99, as of 10/17/16. Andrea reported that this reflects an approximate \$3,000 increase from the preceding year. Upon motion by Chizick, seconded by Westgate, the report was adopted unanimously.

### **DIRECTOR'S REPORT**

Mark Long reported that things are relatively quiet at the WC Agency. He reported that there are a set of proposed Health Care rules making their way through the process of being approved, but nothing that is terribly significant to WC. He mentioned a rule adding additional controls on costs associated with drug testing. He also reported that the process of overhauling the WC Agency's I.T. system is ongoing, and that he is currently near the end of preparing a work order/description so that it may be presented to vendors for bidding. He is planning to speak at both the Winter and Summer WC Section meetings.

### **CHIEF MAGISTRATE'S REPORT**

Lisa Klaeren reported that the Board of Magistrates met two weeks ago to discuss several issues. The Magistrates are concerned regarding the accuracy of Redemption documents, and Magistrate Klaeren encourages the attorneys to contact Cheryl Cornellier at the Agency when attempting to correct discrepancies between carriers listed on hearing notices and named defendants on Redemption documents, etc. Magistrate Klaeren also expressed concern regarding errors on Redemption documents when plaintiff appears by affidavit, suggesting that standard or canned affidavits in lieu of live appearance should be scrutinized, and modified where appropriate, in cases where there are multiple direct payments, etc. Magistrate Klaeren reported that, as of the first of the year, the Delphi cases will be down to 60-80 cases and will be put on the active docket. There remain 950 GM Cap cases. Attorneys who would like a GM Cap case placed on the active docket should request that of the presiding Magistrate. Scheduling Orders have been in effect for about 20 months. Each case begins with the hope/assumption that it will be concluded within 18 months, subject to the circumstances of each case.

### **MCAC REPORT**

George Wyatt reported that, as of the end of October, there were 119 pending cases with 86 ready for review. Mr. Wyatt also reported that the MCAC recently heard oral arguments in the case of Reidenbach v City of Kalamazoo, that presents interesting issues regarding coordination of benefits and the election of benefits. Also, this case may deal with the issue of whether a "boiler-plate" affirmative defense, that is not specifically raised at trial, is waived. Mr. Wyatt also reported that there is an imminent vacancy on the MCAC, and expressed his desire that that vacancy be filled by an individual with WC experience; he encouraged any interested individuals to apply quickly.

## **NEWSLETTER REPORT**

There were no objections to Jayson Chizick continuing as editor of the Section newsletter. Jayson welcomes any contributions.

## **WINTER MEETING**

A flyer has been distributed to the Council for the 12/9/16 Winter Meeting at the Crowne Point Plaza in Lansing. It will be distributed throughout the various Hearing locations. Andrea Hamm and Phil Frame have been considering various topics for discussion at the meeting, including: liens, and allowable attorney fees from liens. Don Waldron has been invited to speak on this, having recently been involved in a case with this issue that went to trial. Jules Olsman has been invited to speak on "the many liens of comp." Daryl Royal will give an appellate update. Mr. Wyatt will also speak at this meeting.

## **PAST PRESIDENTS GOLF OUTING**

Tim Esper and Chris Westgate suggested that, to promote attendance, this outing be changed from a golf outing to attendance at a Detroit Tigers' game. Thursday, May 18 has been tentatively selected as the date for this outing. The suggestion was tabled until the 12/9/16 Council meeting. Chris Westgate will investigate the costs of such an outing in advance of that meeting.

## **LEGISLATIVE/RULES UPDATE**

John Combs reported that Senate Bill 645 dealing with a special classification for truck drivers to determine if they are independent contractors has been significantly altered and no longer addresses this question. House Bill 5927 deals with adding breast cancer as a medical condition that carries a presumption of work relatedness for fire fighters.

## **ANNUAL SUMMER MEETING**

Jayson will include information regarding hotel reservations at Mission Point in the next newsletter. Rick Lovernick and John Combs will be working on this meeting. Ella Parker endorsed the idea of having a Supreme Court Justice speak at this meeting. Rick Lovernick will make inquiries regarding potential speakers. Phil Frame suggested CMS issues as a topic.

## **KID'S CHANCE**

Brooke Blower, president of the Michigan Chapter of Kid's Chance was present to answer questions. She reported that the organization is providing scholarships to 12 people this year, in the total amount of \$54,500. The organization has collected \$79,000 this year. They're doing well obtaining new scholarship applicants and corporate sponsors. The maintenance of the scholarships is contingent upon the performance of the beneficiary/student. No applications have been turned down this year; one recipient was dismissed because a parent returned to work. The Michigan chapter is bound by the national organization's guidelines. All contributions go to the scholarships or "minimal" expenses. Kid's Chance has no paid Board positions. The Section's contributions stay with kids from Michigan. Upon motion by Jayson Chizick, seconded by Phil Frame, the Council voted unanimously to contribute \$5,000 to Kid's Chance this year.

## **MEETING ADJOURNED**

On motion by Matt Conklin, seconded by Andrea Hamm, the Council voted unanimously to adjourn the meeting.

Dennis Flynn

Secretary, Workers' Compensation Section Executive Council

11/4/2016