

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
WORKERS' COMPENSATION ADVISORY BOARD MEETING
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH STREET
CHAIRMAN'S CONFERENCE ROOM
HELD ON JANUARY 25, 2012 at 1:00 PM**

Present at the meeting were:

Chairman Mitch Weisz, ex officio member
Richard Aleksy – Corti, Aleksy, and Castenada
John Carpenter – Chicagoland Chamber of Commerce
Michael Carrigan – Illinois AFL-CIO
Sean Stott – Laborers' International Union
Aaron Anderson – Painters District Council #30

Participating via Teleconference were:

Mitchell Abbett – Holten Meat Inc.
Mark Denzler – Illinois Manufacturers' Association
Mark Prince – Prince Law Firm
William Lowry – Nyhan, Bambrick, Kinzie, and Lowry
David Vite – Illinois Retail Merchants Association
David Halffield – Sears Holding Management Company

IWCC staff present at the meeting were:

Mary Wells, Chief Financial Officer
Kim Janas, Secretary of the Commission
Darrell Widen, Deputy General Counsel

Chairman Mitch Weisz called the meeting to order at 1:05 pm and noted that a quorum was present. There was a motion by Mr. Carrigan, seconded by Mr. Carpenter, and unanimously carried to approve the minutes from meetings held on August 10, 2011 September 7, 2011, and January 20, 2012.

Chairman Weisz then provided the members of the Board with a general update of proceedings at the Commission. Chairman Weisz stated that he expected an announcement sometime soon regarding the appointment of the final three Arbitrators. He also introduced the Commission's new Chief Financial Officer, Mary Wells. Ms. Wells has previously worked for the Illinois Toll Highway Association and the "Big Dig" project in Boston. She started with the Commission at the beginning of this year and is currently working on the appropriations process. Chairman Weisz also informed the Board members that the Commission had hired a new Deputy General Counsel, Lola Dada-Olley. Ms. Dada-Olley also joined the Commission with the Legal Department at the beginning of this year. In addition to her legal training, Ms. Dada-Olley has a masters degree in Journalism.

Chairman Weisz informed the Board that the new downstate zones and the new Chicago arbitrators are now in place. This process required the reassignment of many cases at the Commission, which has been accomplished with very few errors. Several hearing sites have also been consolidated and now cases will be on a 90-day cycle. One issue that the Commission will continue to monitor is how 19(b) petitions follow the Arbitrator to their current venue. Because of the case assignment and rotation assignments set forth in HB 1698, it is necessary that the 19(b) follows the Arbitrator to their setting. The Chairman noted that he had visited both the

Collinsville and Herrin hearing sites and has observed the distance between these two sites. Mr. Stott reported that he had heard some concerns about this requirement for the 19(b) hearings and asked the Chairman to consider having an Arbitrator stop in the original hearing site to accommodate the 19(b) hearings. He also noted that the drive between some of the hearing sites in different zones is very long. Mr. Carrigan added that he had also received calls from injured workers who were concerned about their ability to travel to 19(b) hearings. Chairman Weisz responded that it is necessary to ensure that the Arbitrators have a sufficient amount of time to write their decisions, besides the demands of the trial cycle. The coordination of schedules to secure an extra scheduled day in a hearing site might impose an additional hardship on attorneys if there are different hearing sites in a zone operating concurrently. The Chairman stated that he would continue to monitor this situation and work with injured workers' and their attorneys as much as possible.

Mr. Aleksy inquired as to whether the Commission would consider expanding the number of trial dates in Woodstock. Chairman Weisz said that generally the Commission is very flexible for either expanding or contracting the number of trial dates to specific venues where needed. The process for creating the Zones was based on estimated needs of each area. Thus, the Commission will be open to make changes to reflect actual need.

Mr. Aleksy also inquired about an issue regarding whether it was a specific Commission policy to require that 19(b) hearings be scheduled during the first two days of an Arbitrator's call. The Chairman explained that there might be a preference by Arbitrators to schedule the 19(b) this way, as 19(b) hearings are required to have priority and also the Arbitrator may be trying to fill up the first part of his or her trial schedule. However, this is a preference and not a Commission rule.

Chairman Weisz then continued his general update of the Commission by reporting on the activities of the Self Insurers Advisory Board. There are several vacancies on the Board that need to be filled. In addition, the Chairman and staff are looking into the possibility of securing excess insurance for the Self Insurance Guaranty Fund. Finally, the Chairman noted that he had recently called a letter of credit for a previous self-insured entity called Employco, which is apparently in the process of liquidation.

The Chairman then reported to the Board the activities of the Insurance Compliance Unit. The Insurance Compliance Unit has started to issue citations to employers without workers' compensation insurance. The citation is a new innovation that was introduced in HB 1698. It allows the Unit to quickly compel employers to become compliant with the law, instead of assessing the employer with steep statutory fines that involves a lengthy hearing process. The first round of citations issued by the Department resulted in the collection \$10,500. The Chairman remarked that he hopes the new citations will result in more coverage and less claims against the Injured Worker Benefit Fund. The Chairman also noted that the number of claims against the Fund had been growing in the last few years.

Chairman Weisz then discussed a few issues related to the implementation of HB 1698, including the introduction of the AMA guidelines in the determination of Permanent Partial Disability (PPD) and the assignment of settlement contracts for approval. Finally, Chairman Weisz informed the Board that one of his future projects to look more closely at the process by which cases are assembled for review to each Commissioner. The Chairman will seek input from the Commissioners to streamline this process.

Kim Janas then provided a brief update on the status of the rules revision process. She noted that the draft revisions to the Medical Fee Schedule Rule were complete and ready to be submitted to the Commission.

Currently, the Rules Committee was engaged in drafting the intoxication rules, which the Commission is required to promulgate pursuant to House Bill 1698.

Next, Chief Financial Officer Mary Wells made a presentation to the Board Members about the Commission's budget, including information from Fiscal Year 2011 and Fiscal Year 2012. After the presentation, Ms. Wells answered questions from the Board.

Chairman Weisz then updated the members of the Board of their obligations under Public Act 97-504, effective January 1, 2012. The new law requires all members of public bodies subject to the Open Meetings Act to complete a training course on the Act provided by the Public Access Counselor of the Office of the Attorney General. Members must forward their certificate of completion to the Commission within 12 months after the effective date of the Act.

There was a motion by Mr. Aleksy, seconded by Mr. Stott, and unanimously carried to move the meeting into closed session pursuant to Section 2a of the Open Meetings Act based on the exemption specified under Sections 2(c)(21) for the semi-annual review of closed meeting minutes.

There was a motion by Mr. Carrigan, seconded by Mr. Carpenter, and unanimously carried to arise from closed session. There was a motion by Mr. Aleksy, seconded by Mr. Stott, and unanimously carried to allow the minutes of closed session minutes from the following dates to be available for public inspection: August 1, 2, 10, and 24, 2011; September 2, 7, and 16, 2011; October 5 and 7, 2011; and January 20, 2012.

There was a motion by Mr. Carpenter, seconded by Mr. Aleksy, and unanimously carried to adjourn the meeting. The meeting adjourned at 2:30 pm.