



STATE OF MAINE  
WORKERS' COMPENSATION BOARD  
Board of Directors' Business Meeting

**May 21, 2019**

A business meeting of the Maine Workers' Compensation Board of Directors was held on Tuesday, May 21, 2019, at the Workers' Compensation Board, Augusta Central Office.

**PRESENT:** John Rohde (*Executive Director/Chair*), Richard Hewes (*General Counsel*), Ron Green, Glenn Burroughs, Emery Deabay, Richelle Wallace, Tom Davis, and Gary Koocher.

**1. CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:01 a.m.

**2. APPROVAL OF MINUTES**

**1. Draft Minutes of 4/9/2019 Meeting**

Director Koocher MOVED TO ACCEPT THE MINUTES OF THE 4/9/19 MEETING;  
Director Davis seconded. **MOTION PASSES 6-0-1** (*Director Burroughs abstained*).

**3. SUBCOMMITTEE REPORTS**

**1. Budget Subcommittee**

The Budget Subcommittee met prior to the Board meeting to discuss the annual assessment. Director Green MOVED TO ACCEPT THE BUDGET SUBCOMMITTEE'S RECOMMENDATION TO REDUCE THE FY 2020 ASSESSMENT FROM THE STATUTORY CAP OF \$13,000,000 TO AN ACTUAL ASSESSMENT OF \$10,000,000 AND REQUIRE STAFF TO USE AN ASSESSMENT RATE FOR INSUREDS OF 2.76% BASED ON AN ESTIMATED INSURED MARKET OF \$226,010,239 AND TO RAISE \$3,754,641 FROM SELF-INSUREDS. Director Davis seconded. **MOTION PASSES 7-0.**

**4. EXECUTIVE DIRECTOR REPORT**

Executive Director Rohde gave the Executive Director report.

## **1. July Board Meeting Date**

Executive Director Rohde will be out of town on July 9th. The Board agreed to move the July meeting to July 23, 2019. The meeting will still be held at the Bangor Regional Office.

## **2. Comp Summit**

The August Board meeting will be held at 4:00 PM on Monday, August 26<sup>th</sup> during Comp Summit.

## **3. Computer Upgrades**

Computers in Augusta were upgraded recently. In the past, OIT asked the Board to consider replacing Progress. OIT only has two programmers left that know Progress and they feel there are more modern systems that could be used. OIT will put together a list of options for the Board to consider.

## **4. Department of Labor**

The Abuse Unit is receiving information from the Department of Labor. A Memorandum of Understanding for other information needed is still in the works.

## **5. Section 213 Hearing**

Director Koocher asked about the status of the Section 213 hearing for Mr. Moulton. There has not been a new date set yet. The parties will be contacted again regarding scheduling.

# **5. GENERAL COUNSEL REPORT**

## **1. Legislation**

Richard Hewes gave the General Counsel's report and provided a status update on relevant legislation. There will be a work session at the Labor and Housing Committee to address the LD's that were tabled during their last meeting. The Committee continues to work towards an omnibus bill.

## **2. Abuse Unit**

Sarah Becker has been hired as an Abuse Investigation Unit attorney. The AIU is currently tracking a fatal accident involving a roofer that the Employer claims was an independent contractor. The Attorney General's office has filed charges against the Employer. The Abuse Unit may open their own investigation, as well.

## **6. OLD BUSINESS**

### **1. Legislation**

Director Deabay asked Director Koocher for cost information regarding the proposed legislation. At this time, some estimates have been made for some of the LD's.

## **7. NEW BUSINESS**

### **1. 4<sup>th</sup> Quarter Compliance Report**

Carrie Ellis presented the 4<sup>th</sup> Quarter Compliance Report. No major issues reported. The unit will continue to work with the small insurers to improve their compliance. Director Koocher MOVED TO ACCEPT THE REPORT AS READ; Director Wallace seconded. **MOTION PASSES 7-0.**

Executive Director Rohde suggested adding a benchmark for the items on page 7 of the report; wage statements and fringe benefit worksheets. A benchmark of 75% was suggested. It will be monitored by quarter. Carrie will create a new report to evaluate each carrier's compliance. Discussion was held as to when the 30-day timeline begins exactly, the need for wage statements when an Employee reports that they are not pursuing a claim, and how to better educate employers and insurers. The information will be added to the Audit materials sent out and on our website. Carriers and self-insureds will be sent information using our distribution lists as well.

Director Koocher MADE A MOTION TO SET A 75% BENCHMARK FOR WAGE STATEMENTS AND A 75% BENCHMARK FOR FRINGE BENEFIT WORKSHEETS, EFFECTIVE JULY 1, 2019. Director Wallace seconded. **MOTION PASSES 7-0.**

## **8. ADJOURNMENT**

Director Koocher MOVED TO ADJOURN; Director Deabay seconded. **MOTION PASSES 6-0-1** (*Director Burroughs abstained*).

The meeting formally was adjourned at 10:35 a.m.