

Minutes
Labor-Management Advisory Council
December 13, 2017
Great Northern, Helena MT

Advisory Council members present:

Lt. Governor Mike Cooney
Al Smith, Montana Trial Lawyers Association
Bill Dahlgren, Sun Mountain Sports
Lance Zanto Workers' Compensation Management Bureau
Don Judge, Injured Workers Resource Council
Jim Larson Teamsters Local 190
Chris Cavazos, Montana AFL-CIO

Project Core Team members present:

Eric Strauss, ERD Administer
Bill Wheeler, ERD Deputy Administrator
Bryan Page, Safety & Health Bureau Chief
Mark Cadwallader, Department Legal Counsel
Jason Swant, Project Manager

Others present via electronic meeting:

Larry Jones, Montana Self-Insureds Association
Marvin Jordan – MCCF
Annette Hoffman – Regional Manager MT Region SCLHS

Others present:

ERD

Karen Wiles, Julia Brennan, Bri Lake, Ken Biskupiak, Doug Roope, Kristine Ediger,
Cindy Zimmerman, Tiffany Ott, Jerry Laughery, Casey Kyler West

MMIA, Alan Hulse

MCCF, Vicki Evans

Montana State Fund, Kevin Braun, Lawrence Hubbard

Montana Chamber, Bridger Mahlum

I. Welcome and Introductions

Lt. Governor Mike Cooney chaired the meeting, greeted those present and introductions were made.

II. Approval of Agenda The minutes from the October 3, 2017 meeting were approved. The agenda was amended to discuss SB4 and SJR 27 at the start of the meeting.

III. SJ 27 and SJR 27 – Eric Strauss

Eric advised the EAIC met on November 8, 2017 regarding SJR 27 and discussion included Nancy Butler describing the three workers' compensation plans; views from employers and insurers and; NCCI discussing the workers' compensation system in general. There was not much interest in changing the current system and the focus was more on safety. It was suggested LMAC monitor the EAIC and questioned if the safety subcommittee should be resurrected. It was also suggested EAIC be invited to an LMAC meeting to provide updates on SJR 27.

Eric also advised the current standing of SJ27. Discussion included an explanation of the accounting procedure for the 3% service fee applied to the State Fund. Kevin Braun explained the State Fund's position in that several things need to happen to mutualize the State Fund consisting of their board's approval, legislation, not rat holing money to go toward mutualization and the fact they pay their board of investments.

IV. Oregon Premium Ranking Study – Bri Lake and Kristine Ediger

Bri and Kristine's presentation included understanding the Oregon Ranking Study; why state-to-state comparison is difficult; rate changes over time; frequently asked questions; understanding where Montana stands; Montana's historical ranking; employer premium index rates per \$100 payroll by state (1988-2016); Montana percent above national median by year (1986-2016); percent of premium median by state and by structure of workers' compensation by market (2016); Montana measurements; factors that may affect the system, costs and premium; Montana making strides; claim frequency; average lost time claim frequency per 100,000 workers by policy year; average lost time frequency per 100,000 workers by State and policy year; Montana private industry nonfatal occupational injury and illness incidence rates per 100 FTEs; utilization and treatment guidelines changing treatment behavior; distribution of physician payments by AMA service category for Montana (NCCI); work comp prescriptions; 2016 Rx claim distributions (NCCI); 2016 opioid claim distribution by years claim maturity; average medical costs; MT average cost per lost time claim by policy year (NCCI); other involving medical; WCRI workers' compensation percent of premium over Medicare March 2016; changes in wage loss benefits; MT proportion of permanent partial claims by policy year (NCCI); small business in Montana and; opportunities for further improvements

V. Independent Contractor Survey – Julia Brennan

Julia's presentation included the motivation for the survey; main research questions; survey methods; funding of the survey; working timeline for survey; content; survey questions; background questions; basic injury questions; detailed injury questions; safety questions; opportunity to provide feedback and results.

VI. Safety and Health Bureau

Compliance – Jerry Laughery

Jerry presented the safety bureau's structure consisting of two state mine inspectors for coalmines and sand and gravel. There are six public sector compliance specialists. The public sector consists of cities and towns, counties, state agencies, public schools, universities, colleges and districts. Outreach in Mine in 2017 were 70 classes ranging from 8 to 32 hours; 14 coal mine inspections; 59 sand and gravel inspections; 1 fatal inspection and resumed MSHA authorized instructor training classes. Public sector outreach in 2017 consisted of 14 compliance update trainings providing monthly reports of completed inspections to stakeholders, 380 public sector onsite compliance visits, 900+ serious hazards identified and abated, 1600+ other than serious hazards identified and Safety Culture Act reviews. He provided a graph of inspections by entity for 2015, 2016 and 2017. Using before and after pictures he showed results of inspections.

Outreach – Casey Kyler West

Casey spoke on SafetyFest MT advising from 2010 to 2017 there have been 27 SafetyFests with 1,138 classes in 13 locations with 9,542 attendees. She described the business sizes of attendees, the industry, sector, education and outreach. From 2015 to 2017, there have been 132 OSHA 10-hour classes with 2,329 students. Discussion included whether or not attendance at SafetyFest should be mandatory for State employees, how to get feedback from attendees and how to get that feedback publicized. Casey also advised she is starting to track new and repeat attendees.

Consultations – Tiffany Ott

Tiffany's presentation included a description of the consultation program consisting of eight consultants; five in Butte; two in Missoula and one in Great Falls. Consultations are free and serve both private and public sectors. They must be at the employer's request. They include workplace hazard assessments and recommendations to control and eliminate safety and health hazards. They comply with OSHA and MSHA regulations. There are free employee samplings to determine workplace exposures and indoor air quality requests. For FY2016 there were 387 visits, 1,892 hazards, 185 interventions and 28,249 workers helped. In FY2017 there were 389 visits, 1,373 hazards, 206 interventions and 21,307 workers helped. Common hazards include electrical panels, cords, junction boxes, hand tools, fire extinguishers, housekeeping, floor and wall openings, guarding stationary and portable tools and flammable storage

VII. Injured Worker Survey – Bri Lake

The attempt to measure will be self-reported injured worker outcomes and the impacts of various factors on those outcomes. The survey will be specific to injured workers only. Barring any issues that may come up, the current plan is to have it complete by the end of 2018.

VIII. HB 449 Jason Swant

Jason updated the committee on the proposed rule for HB 449. The process was started in July meeting with the Sponsor, Wylie Galt and his constituent. The department has moved from the use of modifiers to the adoption of rent values by county, a discount for agriculture, and the value of temporary or seasonal housing. The draft rule was submitted to the Secretary of State and notice will be December 23, 2107. The rule hearing will be held January 12, 2017 and public comment is due January 19, 2017.

IX. Other Matters – Lt. Governor Mike Cooney

Discussion included the issue of the State awarding contracts to those proving safety. Eric stated it is a logistic issue at this point and requested feedback to generate momentum. Lance Zanto stated language has been presented to state procurement office and changes were made based on feedback. Other matters discussion included ideas to promote safety consultants based on Tiffany's presentation. It was suggested the Secretary of State be invited to an LMAC meeting. There was also discussion regarding LMAC should continue to pursue MTOSHA.

X. Public Comment

There was no public comment

XI. Next Steps

Pursue the Department of Economic Development and Tourism & the Secretary of State's Office about potential opportunities to promote safety and consultation services available through the Department of Labor and Industry's Safety and Health Bureau.

The meeting was adjourned