

Labor-Management Advisory Council on Workers' Compensation Principles and Procedures

Purpose

The purpose of the Labor-Management Advisory Council on Workers' Compensation (LMAC) is to (1) provide a structure for an organized discussion of workers' compensation public policy; (2) monitor the effectiveness of the 2011 reforms; and (3) recommend solutions to the Commissioner of Labor and Industry.

Guiding Principles

- The work of the LMAC will be guided by the declaration of public policy as established by the Legislature in 39-71-105, MCA.
- The LMAC will seek to understand the position and interest of all parties and reach agreements that are acceptable to all parties.
- Public input and participation will be encouraged, within the framework of the LMAC procedures.

Membership

- The advisory council membership will consist of the Lt. Governor; five representatives of employers which include one member representing self-insurers and one member representing the Montana Chamber of Commerce; and five representatives of employees which include one member chosen by the Montana Trial Lawyers Association.
- The Employment Relations Division Administrator will serve as a non-voting member.
- The Lt. Governor will serve as chair of the advisory council.
- A majority of the membership of the advisory council (not including the subcommittee) constitutes a quorum to do business.
- A super majority is a majority of the representatives of employers, a majority of the representatives of employees and the Lt. Governor.
- A subcommittee of the advisory council will consist of one representative of the Montana Medical Association, one member of the Montana Hospital Association, one member of the Montana State Fund, one member representing private insurance companies, and one member of the Rehabilitation Association of Montana.
- The advisory council may add members to the subcommittee.
- The advisory council may establish additional subcommittees.

Role of the Chair

- Recognize board members entitled to speak or propose motions.
- Restate motions after they have been seconded, then open discussion.
- Close discussion and put motions to vote.
- Announce the result of a vote immediately.
- Maintain order and proper procedure.

Role of the Advisory Council

- Discuss issues.
- Act on issues.
- Vote on motions.
 - Substantive issues require a supermajority vote to pass.
 - Nonsubstantive issues require a simply majority vote to pass.

Role of the Subcommittee

- Participate in advisory council discussions.
- Make recommendations to the advisory council (requires a majority vote of subcommittee members to pass).

Discussion

- All LMAC members have a voice.
- All subcommittee members have a voice. However, the Chair has the authority to limit discussion to only LMAC members.
- The Chair may allow discussion of a topic before presentation of a motion.
- Only LMAC members may make a motion or call for the question.
- The Chair may recognize staff in order to answer questions or provide technical information.
- The Chair may recognize members of the audience to answer questions.
- Open meeting principles are generally applied to LMAC meetings, although the LMAC is only an advisory body without the authority to take any final agency action on behalf of the Department of Labor and Industry, the Lieutenant Governor's Office or the Governor's Office.
- Each meeting will provide a time for public comment and public participation will be encouraged.

Procedures

- The LMAC will follow a modified version of Robert's Rules of Order adapted for use in small group settings.