

Labor-Management Advisory Council on Workers' Compensation
Draft Proposed Decision Making Process
For Issues Leading to 2011 Legislative Session

The purpose of this document is to outline a process for the Labor-Management Advisory council on Workers' Compensation (LMAC) to reach a comprehensive proposal to recommend to the Commissioner of Labor and Industry, the Economic Affairs Interim Committee (EAIC) and the 2011 Legislature on issues of importance to both labor and management. The intent is to seek to identify proposals on each issue which may be a part of a comprehensive proposal that are acceptable to both a majority of the labor and management representatives and the LMAC chair, Lt. Gov. John Bohlinger.

Guiding Principles

In our discussions of the issues, the LMAC will follow these principles:

1. We will seek to understand the position and interest of all parties.
2. We will seek to reach agreement on each issue that is acceptable to all parties.
3. We recognize that compromise is necessary to reach a comprehensive proposal.
4. Our goal is to agree on recommendations on each issue that is fair and balanced and in the interest of both injured workers and employers.
5. We recognize that any comprehensive proposal must be fair and balanced and include compromises by each side that will meet the legitimate interests of the other side.
6. The comprehensive proposal must be viewed by the Legislature and the public as being fair and balanced and in the best interest of the workers' compensation system as provided in Section 39-71-105, MCA, Declaration of Public Policy.

Process for Making Decisions

We will follow this process to reach a comprehensive proposal:

1. Each individual issue will be scheduled for full discussion by the LMAC.
2. Each member is encouraged to suggest proposals that might lead to agreement.
3. Each individual issue may be further broken down to isolate conflicts or areas of agreement.
3. Each member is encouraged to identify what proposals they could support.
4. When the chair, Lt. Governor John Bohlinger, believes that the discussion has led to a possible proposal that is acceptable to the majority of labor and management, he will summarize that proposal for the group as a "sense of the LMAC" tentative agreement.
5. The chair will ask if there are members who could not support the proposal as part of a fair and balanced comprehensive proposal.
6. The meeting minute recorder will capture the "sense of the LMAC" tentative agreements in the minutes.
7. No official motions or votes will be taken on the individual tentative agreements, unless by agreement of the LMAC.
8. After all issues have been discussed and brought to tentative agreements, the entire comprehensive proposal will be considered and voted on by the LMAC.