

Minutes
Labor-Management Advisory Council
September 9, 2014
Big Sky, Montana

Advisory Council and Subcommittee members present: Council Chair Lt. Governor Angela McLean, Chris Cavazos, Annette Hoffman, Riley Johnson, Don Judge, Al Smith, Bob Worthington, Lance Zanto, Kevin Braun, Jim Larson, Bill Dahlgren, Bonnie Lytinen-Hale and Doug Buman

Project Core Team members present: Diana Ferriter, Bryan Page, Peter Van Nice, Anne Wolfinger, Bill Wheeler, and Mark Cadwallader

Others present: Jerry Laughery, Barb Gullickson, Karen Wiles, Erin Weisgerber, Karen Doig, and Chris Bradley, ERD; Robyn Morrison, WorkSafeMT; Nancy Butler, MSF; Leah Tietz, MUS; Glenn Oppel, MT Chamber; Brian Boland, Laborers Local 1686; Carlie Boland, State Legislator; and Alan Hulse, MMIA

I. Welcome and Introductions

Lt. Governor Angela McLean chaired the meeting and greeted those present.

II. Approval of Agenda and Previous Minutes

The agenda was approved and minutes from the September 09, 2014 meeting were approved as amended.

III. LMAC Decision Making Process

Diana reviewed the LMAC Guiding Principles and the Process for Making Decisions. She advised the new parts of the Decision Making Process start at #9 through #13. Al Smith suggested adding a new #11 which states “LMAC members will **not** advocate on legislative proposals that were **not** recommended by LMAC and received a super majority vote by the council” and renumber 12, 13, and 14. Don moved, Doug seconded that the new #11 be added. The motion passed with one dissenting vote. The Lt. Governor voted affirmatively.

IV. ERD Funding//Workers’ Compensation Assessment

A second draft proposed ERD funding bill was presented to the Council. The changes made in the draft were noted with sidebar comments starting on page 4 of the bill. Mark Cadwallader walked the Council through the changes. Diana reviewed a graph of the Department’s increased responsibilities resulting in an increase of expenditures and the budgetary process. Discussion involved restoring the cap of the assessment in 39-71-201, but raising the amount from 3% to 5% and deleting \$500 fee charged to new Plan No. 1 insurers for the safety assessment in Section 8 of the bill. Bob moved and Al seconded that the ERD funding bill be approved with these changes. The motion passed unanimously. The Lt. Governor voted affirmatively.

V. State OSHA

The Lt. Governor reported Senator Bruce Tutvedt has expressed interest in sponsoring the bill through the Economic Affairs Interim Committee. He wants a final draft and a fiscal note for Friday's meeting. Bryan Page advised that draft legislation needs to be reviewed by the U.S. Department of Labor and they will need 6 to 8 weeks for the review. Discussion involved clarifying various duties as mandatory (change "may" to "shall") in response to informal comments from U.S. Department of Labor; and clarifying the distinction between the inspection authority in Section 9(1) and the mandatory actions taken during an inspection in Section 9(2). The draft bill will be presented to the EAIC on Friday September 12, 2014

VI. NIOSH 5-year Grant

Chris Bradley advised the Department is applying for funding of the Montana Occupational Health and Safety Surveillance (MOHSS) Fundamental Program through a 5-year grant from National Institute for Occupational Safety & Health (NIOSH) to serve three main purposes and goals which were provided to the Council. The consensus of the LMAC was to support the proposal and members signed a letter to the Center for Scientific Review advising of LMAC support for the grant.

VII. Employer Education on Transitional Employment

Jim Larson updated the Council on the quest for employer education of workers' compensation and the need for them to understand the benefits of early return to work. He advised efforts will be focused on brainstorming on how to provide this education.

VIII. Workers' Compensation Judge Vacancy Proposal

Al provided the Council with an update of the statute amendment deleting a portion of Section (3) and adding Sections (4) and (5) regarding a list of substitute judges, appointment of a substitute judge, and how they would be compensated. Riley moved, Doug seconded that the proposal be accepted. The motion passed unanimously. The Lt. Governor voted affirmatively.

IX. Workers' Compensation Statute Draft Revision

Mark provided a copy of the draft legislation which had already been passed by the LMAC which changed Section 39-71-1006 in relation to impairment ratings from 15% to 10%.

X. LMAC/Lt. Governor Notification Letter Update

The Council was provided a copy of another letter from an injured worker received by the Lt. Governor since the last meeting.

XI. WorkSafe MT Update

Robyn Morrison advised the only new issue to report at this time is a survey is being sent out to decide on a theme for the student safety video contest.

XII. LMAC Work Plan and Follow Up

Anne reviewed the work of the LMAC to date and asked the Council what topics should be addressed at the November 20th meeting. It was decided to include State OSHA, youth safety training, and employer education on transitional employment, as well as employee benefits from the previous LMAC bill that were not included in the work comp reform. She provided the Council with a legislative calendar and advised she would be coordinating teleconferences during the legislative session in a room at the Capitol building on Fridays once bills get going. The LMAC also planned to meet in early January.

Next steps were reviewed and the meeting was adjourned.