

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH STREET
CHAIRMAN'S CONFERENCE ROOM
HELD ON APRIL 16, 2014 at 10:00 AM**

Present at the meeting:

Chairman Michael Latz
Mario Basurto
Michael Brennan
David Gore
Kevin Lamborn
Stephen Mathis
Thomas Tyrrell

Present by telephone:

Charles DeVriendt
Daniel Donohoo
Ruth White

IWCC staff present at the meeting were:

Dennie Michelle Mogensen, Deputy General Counsel
Kate Melford

Chairman Michael Latz called the meeting to order at 10:02 am and noted that a quorum was present. There was a motion by Michael Brennan and seconded by Thomas Tyrrell and unanimously carried to approve the minutes from meeting held on January 21, 2014.

Chairman Latz then provided a Commission update. He advised the Commissioners that there is an administrative assistant (hereinafter referred to as "AA") crisis. Joanne Cozzo is taking a leave of absence starting immediately, and Barb Galazkiewicz is retiring June 30, 2014. Prior Chairman Mitch Weisz previously did not think as many AAs were needed and this shortage will give the Commission the opportunity to find out. Currently, the AAs are assigned to individual Commissioners, rather than the Commission.

There are currently AA job postings and perhaps additional personnel will be hired. There was an internal promotion to an AA job today of Rose Medina. However, she will not be moved to her new position until her current position can be filed so as to not leave a gap in docketing. Regardless, once Ms. Medina is moved, she will need to be trained and learn the job. Chairman Latz was previously approached by Commissioner White regarding the outstanding vacancy in her office for an AA and he immediately went to Human Resources director John Lagattuta and "got it done". However, Commissioners need to be aware that the AA positions are subject to *Rutan* and collective bargaining rules.

Chairman Latz is proposing a realignment of AAs and from an assignment to individual Commissioners to an assignment to the Commission – possibility two AAs per panel. He believes that there has not been enough willingness to fill in for absent AAs, possibly because the Commissioners have been reluctant to have their AAs fill in for others. He believes if they are realigned and have to report to him, they will be more helpful.

Commissioner Brennan stated that everyone can make their own copies and pitch in and do the work that needs to be done. He has heard grumbling from support staff, and has made it clear he doesn't want to hear it. He inquired of Chairman Latz what duties would be changed if the AAs are realigned. Chairman Latz responded that this is a new idea and up for discussion because the AAs are saying the jobs belong to other Commissioners' AAs, so the Chairman would like to assign the AAs to a panel to eliminate the childish behavior. Commissioner Gore stated that he believed that assigning AAs to a panel will create more problems as one will still end up carrying the bulk of the weight and those that slack will still slack. Commissioner Basurto stated that a specific schedule made more sense. He also asked if the change would be permanent. Chairman Latz responded that the realignment would be a "band-aid change". The Commission would assign the AAs to a panel instead of individual Commissioners and see how it works. Commissioner Lamborn stated that he didn't think having a pool would work, to which Chairman Latz responded that "in an ideal world, everyone would work equally hard, but that's not how it is." Chairman Latz said he would follow up with Commissioners individually or in groups of two or three, but in the meantime the Commissioners should ask their AAs to cover all offices within their panel and that there won't be any official move until he figures out when Rose Medina will start or if there are other AAs in the pipeline.

Commissioner Basurto inquired if there was a way to hold the AAs accountable while they are covering other offices, rather than assigning AAs to panels, and he suggested the work should follow the AA to whom it is assigned rather than following the office to which it is assigned. Kate Melford responded that that system was not working because it was too hard to track the work and not all of the AAs were accurately recording their tasks. Commissioner Gore suggested an incentive program for those taking on additional duties, but Chairman Latz responded that it would be tough because the AAs are still doing the same job. Commissioner Tyrrell suggested having "panel leaders" with an increase in pay to match the job title, but the other Commissioners thought the Union would object.

Commissioner Lamborn questioned whether the position previously vacated by AA supervisor Dora Shabazz would be filled. Chairman Latz stated he is keeping the option open and is hoping to fill it within the ranks of the AAs. The majority of the Commissioners expressed the need for that position to be filled. Chairman Latz stated that Barb Galazkiewicz is the most senior, but she has stated she is retiring and does not want the job. Joanne Cozzo is the next most senior, but just went on a leave of absence.

Chairman Latz next addressed JCAR proposals. He indicated that the Commission would be submitting rule changes in the near future and would like suggestions of changes to send to JCAR. He indicated that prior to his tenure there was a rule committee, but it had been disbanded. He brought up a suggested rule change regarding the rotation of the Arbitrators – a concern is that if an Arbitrator begins a hearing, but is subsequently rotated to a new jurisdiction, does the case stay with the Arbitrator or the venue, and the rules should address how that situation can be resolved. Chairman Latz would like the Commissioners to email him suggested rule changes and he will bring them before the board before submitting them to JCAR.

Next, Chairman Latz advised the board that Arbitrator evaluations for Chicago Arbitrators will involve two Commissioners instead of one. It is up to each Commissioner how they want to conduct the evaluation, but reminded everyone to be fair. He stressed that the Governor is looking at the productivity of Arbitrators. Filings are down and he wants to know the productivity and the number of cases resolved. Additionally he has received complaints that parties cannot get hearings before some of the Arbitrators. Chairman Latz wants to know which Arbitrators are kicking cases down the road. It is easy to be on time with decisions if an Arbitrator is only doing one or two hearings per month. He believes the most effective judges want cases dismissed, force

settlement, or force trial. “By nature, lawyers are procrastinators and make their best arguments when they are asking for a continuance.” Chairman Latz wants the parties to show up prepared and show up ready for hearing.

Finally Chairman Latz addressed the upcoming Medical Fee Advisory Board meeting on Friday, April 18, 2014. In December, there was the suggestion to increase the reimbursement amount for five codes for office visits since the reimbursement amounts were less than that of Medicare. When the Medical Fee Advisory Board voted, the insurers and employers were for the increase and the doctors were against it. Chairman Latz thought that the rates need to be brought before the Medical Fee Advisory Board before the Commission can vote on any rate changes.

No other Commissioners had business to address.

There was a motion by Mr. Lamborn, seconded by Mr. Brennan, and unanimously carried to adjourn the meeting.