



**STATE OF MAINE**  
**WORKERS' COMPENSATION BOARD**  
**Board of Directors' Business Meeting**

**January 9, 2024**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Zoom and in person at the Board's Central Office at 442 Civic Center Drive, Augusta on Tuesday, January 9, 2024.

**BOARD MEMBERS PRESENT:** John Rohde (*Executive Director/Chair*), Penny Picard, Lynne Gaudette, Glenn Burroughs, Ron Green (*Directors*), and Richard Hewes (*General Counsel*) **VIA ZOOM:** Serina DeWolfe (*Director*)

**I. CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:01 a.m. with over 30 people participating in person and via Zoom. Executive Director Rohde reviewed the hybrid meeting format, remote participation procedures, and welcomed everyone attending in person. Board members and staff introduced themselves for the recording.

**II. APPROVAL OF MINUTES**

**1. Draft Minutes of 12/12/2023 Board of Director's Business Meeting**

Director Green MOVED TO ACCEPT THE MINUTES OF THE 12/12/2023 BOARD MEETING AS WRITTEN; Director Burroughs SECONDED. **MOTION PASSED 6-0.**

**III. SUBCOMMITTEE REPORTS**

There were no subcommittee reports.

**IV. EXECUTIVE DIRECTOR REPORT**

**1. Forms & Digital Exhibits**

The current Notice of Controversy (NOC) form has a data field for the last 4 digits of the injured worker's social security number. Board staff will work with programming to remove this field.

The Board will also encourage parties at hearings to submit exhibits as digital records instead of as paper files.

**2. Board Appointments**

Directors Gaudette and DeWolfe are up for reappointment by the legislature. Paul Gendreau has been nominated by Governor Mills to fill Richelle Wallace's seat on the Board of Directors. Nomination hearings have not been scheduled by the Labor and

Housing Committee at this time but will hopefully be done before the February Board meeting.

## **V. GENERAL COUNSEL REPORT**

### **1. Personnel**

Feedback from the Advocate division suggests that high turnover among staff is caused by various factors. Low salary contributes but is not the only reason. While higher pay would help attract and retain staff, work in the advocate division is, by nature, demanding. Clients are under a great deal of stress, which spills over to advocate division staff. Clients sometimes demand immediate attention, which takes paralegals and advocates away from cases that otherwise require priority attention. Interruptions from panicked clients negatively impacts the “flow” of managing files. When an advocate leaves, it creates additional work demands on paralegals and remaining advocates to cover the files in other caseloads until a new advocate is hired. Training is time consuming. The emotional demands put upon advocate division staff contribute to high turnover.

Director Picard noted that some of these issues are within the Board’s control. She suggested the Board identify what can be changed in the hiring process to help find candidates that are a good fit for the demands of the advocate division.

## **VI. OLD BUSINESS**

There was no old business.

## **VII. NEW BUSINESS**

### **1. Benefit Adequacy – Framework for Discussion**

Directors considered the LD 1896 stakeholder group discussions. Concepts of benefit adequacy and employer costs were raised. It is beneficial for the system overall for the Board to have continued conversations about these subjects.

Benefit adequacy was often raised during the LD 1896 stakeholder meetings. As outside studies have been done on this subject this is a good starting topic. Executive Director Rohde suggested a subcommittee be formed to review the reports and start the process.

Director Picard suggested that when we talk about costs and benefits it would be helpful to know what is causing the largest expenditures in the system. Also, it will be helpful to know how Maine compares to other states. Director Gaudette noted these topics need to be considered. Reports and studies on costs will be helpful.

Executive Director Rohde noted that these conversations will lead to discussions about other topics. He noted he is confident this Board can identify issues and work on solutions.

To start the process, Directors Gaudette and Burroughs have agreed to serve on a subcommittee to review reports that Executive Director Rohde has gathered and try to

narrow issues for future discussions. Director Picard inquired about what topics the Executive Director would like to address in 2024. ED Rohde said that benefit adequacy, reasonable costs to employers, interstate comparisons, and cost-shifting, are all in the discussion mix at this time.

### **1. 3<sup>rd</sup> Quarter 2023 Draft Compliance Report**

On behalf of Monitoring, Matt Dunn presented the 3<sup>rd</sup> quarter draft compliance report. The report does not show significant changes from the previous two quarters. The MAE unit is continuing to reach out to insurers and look for ways to improve compliance.

Director Burroughs asked why meeting the benchmark for filing wage and fringe benefit statements seems difficult. The MAE unit understands that insurers are having trouble getting information from the employers. Directors Picard and Gaudette would like to delve into this issue to learn more. Insurers should address problems with late filings. Director Burroughs noted that insurers should emphasize to new policyholders that employers should report claims information quickly. Changes made in 2018 allowed estimated wages to be corrected within a certain time, but accurate reporting is required, and compliance is continuously below benchmarks. Board staff will continue to get feedback from the insurers and self-insurers. Additionally, the MAE unit is looking at new penalties, reworking training, and reviving the MAE newsletter.

Director Picard MOVED TO ACCEPT THE 3<sup>rd</sup> QUARTER 2023 COMPLIANCE REPORT AS WRITTEN; Director Green SECONDED. **MOTION PASSED 6-0.**

## **VIII. ADJOURNMENT**

Director Gaudette MOVED TO ADJOURN; Director Picard SECONDED. **MOTION PASSED 4-2.** (*Directors Green and Burroughs opposed.*)

The meeting formally adjourned at 10:49 a.m.