



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

February 9, 2021

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, February 9, 2021 via Zoom.

PRESENT: John Rohde (*Executive Director/Chair*), Ron Green, Glenn Burroughs, Richelle Wallace, Tom Davis, Gary Koocher (*Directors*), and Richard Hewes (*General Counsel*).
Director Emery Deabay was not able to be present for this meeting.

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:04 a.m. with 29 people participating remotely. Executive Director Rohde reviewed the Zoom meeting platform and procedures. Board members and staff introduced themselves for the recording. Voting is to be conducted by roll call vote instead of a show of hands.

II. APPROVAL OF MINUTES

1. Draft Minutes of 1/12/2021 Board of Director's Business Meeting

Director Davis MOVED TO ACCEPT THE MINUTES OF THE 1/12/2021 BOARD MEETING AS WRITTEN; Director Green seconded. **MOTION PASSED 6-0.**

III. SUBCOMMITTEE REPORTS

The Budget subcommittee met on February 3, 2021 via Zoom. The Personnel and IME subcommittees met on February 4, 2021 also via Zoom.

1. IME Subcommittee

Director Burroughs reported the Independent Medical Examiner Subcommittee met to discuss the application of Dr. Taggart, who is an orthopedic doctor. An interview with Dr. Taggart has been scheduled for Thursday, February 11, 2021.

2. Budget Subcommittee

The Budget Subcommittee met to discuss revenues and expenditures as preparations continue for the Appropriations Committee hearing on the biennial budget submittal. Executive Director Rohde reported that the Board's financial position is about where we expected it would be at this point. Second quarter

numbers are still being compiled, but Board staff has been extra cautious with budget management during the pandemic.

3. Personnel Subcommittee

Director Wallace reported the Personnel Subcommittee met to discuss current staffing levels at the Board. The Board is carrying 11 or 12 vacant positions. Personnel is very thin in some departments, but the Board will hold off as long as possible in filling them due to budget considerations during the pandemic. As reported last month, Executive Director Rohde noted another Administrative Law Judge may be retiring in 2021 which will require extra planning.

IV. EXECUTIVE DIRECTOR REPORT

1. Annual Report

Executive Director Rohde reported the Tri-Agency Annual Report has been completed and sent to the Copy Center for printing. Reports will be ready for submittal later this week.

2. Legislation

The 130th Legislature is now in session. The Labor and Housing Committee has several new members this year and held an orientation session on January 25, 2021. Executive Director Rohde gave a short introductory presentation on behalf of the Board.

2. Personnel

As discussed, the Board has numerous vacancies. Senior staff have been shifting personnel to assist with gaps created by the vacancies as much as possible.

4. Appellate Division

Amber Duguay from the Abuse Unit has been assisting the Appellate Division (AD) as the AD is short staffed. The AD clerk's office has been working assiduously to clear a backlog of cases. The number of cases pending has dropped from 70 to 54.

5. COVID-19

Most staff are still working remotely with designated time in the offices. If Board offices are still closed come Spring, the Board will consider moving some hearings outdoors where possible. Remote hearings have worked well overall so far, but some cases will require in-person hearings. As of January 29, 2021, the Board has received 2,970 lost time COVID-19 FROIs primarily from healthcare job categories. During the week of January 12th, 165 new injuries were reported.

V. GENERAL COUNSEL REPORT

1. Law Court

General Counsel Richard Hewes reported the Law Court has agreed to review *Desgrossiellers v. Auburn Sheet Metal* on briefs during the week of February 22, 2021. The minutes should reflect, however, that the Law Court was to consider the case and then determine whether or not it should grant full appellate review of the case.

2. **Cottingham and Butler Waiver**

On January 26, 2021, Kim Schmit, Casualty Claims Assistant Coordinator at Cottingham & Butler Claims Services (CBCS), notified the board that it will not be able to electronically file documents with the Workers' Compensation Board from February 25, 2021 through March 6, 2021. During this time CBCS will transition to a new claims management and reporting system.

CBCS has asked the Board to grant a waiver of the electronic form filing requirements as allowed by Workers' Compensation Board Rule Ch. 3 §4 (1) (C) (1). Under that rule, the Board may waive electronic form filing requirements if CBCS establishes that compliance with the Board's filing requirements would cause undue hardship. Undue hardship means significant difficulty or expense.

Director Koocher MOVED TO GRANT A BOARD WAIVER PERMITTING COTTINGHAM & BUTLER CLAIMS SERVICES TO BE EXEMPTED UNDER ME. W.C.B. RULE, CH. 3 §4 (1) (C) (1) FROM THE REQUIREMENT THAT IT FILE FORMS ELECTRONICALLY FROM FEBRUARY 25, 2021 THROUGH MARCH 6, 2021. Director Burroughs SECONDED. **MOTION PASSED 6-0.**

VI. OLD BUSINESS

There was no old business.

VII. NEW BUSINESS

1. Legislation

Executive Director Rohde said that the budget bill has been submitted, but testimony has not yet been scheduled.

LD 213, An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer, has been printed and sent to the Labor and Housing Committee. A public hearing is scheduled for February 17, 2021. Executive Director Rohde will testify neither for nor against on this bill and answer any workers' compensation related questions from the Committee.

LD 305, An Act To Include Forest Rangers and Forest Fire Prevention Specialists in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters, has been printed and sent to Committee. This bill has not been scheduled for public hearing yet. Executive Director Rohde will testify neither for nor against on this bill.

VIII. ADJOURNMENT

Director Koocher MOVED TO ADJOURN; Director Burroughs SECONDED. **MOTION PASSED 6-0.**

The meeting formally adjourned at 10:24 a.m.