



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

**June 8, 2021**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, June 8, 2021 via Zoom.

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

**I. CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:02 a.m. with over 50 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 5/11/2021 Board of Director's Business Meeting**

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE 5/11/2021 BOARD MEETING AS WRITTEN; Director Green seconded. **MOTION PASSED 7-0.**

**III. SUBCOMMITTEE REPORTS**

**1. Personnel Subcommittee**

The Personnel Subcommittee received applications and interviewed seven candidates for the Administrative Law Judge (ALJ) position in the Lewiston Regional Office. The subcommittee recommends that Katherine Gatti Rooks, an attorney who works in the field of workers' compensation law, be appointed to the administrative law judge position.

Director DeWolfe MOVED TO APPOINT KATHERINE GATTI ROOKS TO THE POSITION OF ADMINISTRATIVE LAW JUDGE FOR AN INITIAL

TERM THAT WILL END DECEMBER 31, 2024; Director Picard SECONDED THE MOTION.

The directors discussed potential conflicts of interest.

Director Wallace MOVED TO AMEND THE MOTION TO STATE THAT, AS AN ALJ, MS. GATTI ROOKS MAY NOT WORK ON ANY CASES IN WHICH HER EMPLOYER, THE INJURED WORKERS' LEGAL CENTER, HAS HAD, OR WILL HAVE, ANY INVOLVEMENT OR IN WHICH SHE HAS REPRESENTED A PARTY; Director Gaudette SECONDED. **MOTION TO AMEND PASSED 7-0.**

VOTE ON MOTION AS AMENDED: **MOTION PASSED 7-0.**

Executive Director Rohde thanked the Personnel Subcommittee for their extra work on the interview and recommendation process.

## **IV. EXECUTIVE DIRECTOR REPORT**

### **1. Comp Summit**

The format of the Comp Summit had been changed from a combination in-person/online event to an in-person event on September 22<sup>nd</sup> and 23<sup>rd</sup> at the Samoset Resort. There will not be a Board meeting at Comp Summit this year, but Board members are invited to attend. More details will be provided as Strategic HR moves forward with the registration process.

### **2. COVID Workplace Rules**

Executive Director Rohde reported that the Department of Administrative and Financial Services (DAFS) is reviewing staff survey results and the current workplace rules regarding COVID-19 precautions. Guidance on return to work is expected in July. As such, a meeting with attorneys regarding in-person hearings will be scheduled after DAFS releases the new rules or guidance. This attorney group had planned to meet again in June but will instead be scheduled after information from DAFS is received.

COVID-19 cases are down to an average of 34 new reports per week.

## **V. GENERAL COUNSEL REPORT**

### **1. Portland Advocate Hired**

Rose Miller, a native of Bangor, has been selected to fill the open advocate position in the Portland office. Rose has previously interned with the advocate division.

### **2. Annual Regulatory Agenda**

The Annual Regulatory Agenda is due 100 days from the adjournment of the First Regular Session of the Legislature. The year's due date will be July 8<sup>th</sup>. General Counsel Hewes has prepared the Board's 2021 submission.

Director Burroughs MOVED TO APPROVE THE ANNUAL REGULATORY AGENDA AS WRITTEN; Director Green SECONDED. **MOTION PASSED 7-0**

## **VI. OLD BUSINESS**

### **1. Legislation Update**

The Legislature is trying to finish its work by June 16<sup>th</sup>. As the most recent status sheet shows, three of the workers' compensation-specific bills are dead (LDs 997, 1239, and 1024). The status on other bills is as follows:

- LD 213 is tabled for now.
- LD 305 and LD 467 have gone to the special appropriations table.
- LD 575 is tabled in the House.
- LD 1430 is still in committee.

## **VII. NEW BUSINESS**

### **1. Annual Assessment**

The Budget Subcommittee has been preparing the Annual Assessment package for approval by the full Board. Deputy Director Jan Adams reported that the Assessment process is largely the same as it was last year and has involved lengthy discussions about what the market is expected to be for the coming year. The Subcommittee, working with NCCI and the Bureau of Insurance, has determined that while there are still many unknowns, the market is not expected to change greatly from this past year. The Assessment cap remains in place.

Director Green MOVED TO ACCEPT THE BUDGET SUBCOMMITTEE'S RECOMMENDATION TO REDUCE THE FISCAL YEAR 2022 ASSESSMENT FROM THE STATUTORY CAP OF \$13,000,000 TO AN ACTUAL ASSESSMENT OF \$10,500,000 AND TO AUTHORIZE BOARD STAFF TO RAISE \$4,086,618 FROM SELF-INSURED EMPLOYERS AND TO CHARGE INSURED EMPLOYERS A RATE OF 2.66% BASED ON AN ESTIMATED INSURED MARKET OF \$240,953,802; Director Wallace SECONDED. **MOTION PASSED 7-0.**

Executive Director Rohde thanked the Budget Subcommittee for their hard work on the assessment given the challenges of the past year.

## **VIII. ADJOURNMENT**

Director Burroughs MOVED TO ADJOURN; Director Green SECONDED. **MOTION PASSED 7-0.**

The meeting formally adjourned at 10:31 a.m.