

**THE LABOR COMMISSION
WORKERS' COMPENSATION ADVISORY COUNCIL
Special Meeting
Friday, February 22, 2013 – 1:30 P.M.
Senate Rules Committee Room, State Capitol Bldg.
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

David Bird, Esq., Parsons Behle and Latimer
Dennis Lloyd, Workers Compensation Fund
Brian Kelm, Esq. – BY PHONE
Brandon Dew, Central Utah Federation of Labor
Jeff Rowley, Salt Lake County
Brandt Goble, Painters and Tapers Local 77
K. Dawn Atkin, Esq., Atkin & Associates
Dave Davis, President, Utah Food Industry Association
Todd Bingham, President, Utah Manufacturers Association
Kathleen Bissell, Liberty Mutual – BY PHONE

The following Advisory Council members were excused:

Reo Castleton, President, SL Cnty Fire Dept Local 1696
Richard J. Thorn, President/CEO, Associated General Contractors - Utah Chapter
Edward Holmes, M.D., Summit View Medical
Tracey Klausmeier, Utah Dept of Insurance
Rep. Dunnigan
Sen. Karen Mayne

Others Present:

Sherrie Hayashi, Commissioner
Alan Hennebold, Deputy Commissioner
Ron Dressler, Director, Division of Industrial Accidents, Labor Commission
Sara Danielson, Utah Labor Commission, Administrative Assistant
Heather Gunnarson, Labor Commission Adjudication Division
Deidre Marlowe, Labor Commission, ALJ
Ryan Andrus, WCF
Meldee Love, Ins. Dept.
Ron Nielsen, UBIC
Glenn Wright, Coventry Healthcare

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 1:40 p.m. Recording started just after meeting brought to order.

1. Senate Bill 191 by Senator Wayne Harper

Senator Harper was invited to attend this meeting; however, he was unable to do so. A protected copy of the most current draft of the bill was circulated to the council members. Discussion was held.

Heather Gunnarson, Presiding Law Judge, expressed her concerns with how the overlay of DHRM and the Commission's performance reviews of the ALJs would work. She stated that as written there is concern as to whom exactly the ALJs would report to -- DHRM or the Commission. She also expressed

concern regarding the committee hearing complaints regarding the ALJs. Currently the process is handled through the Motion for Review process. Heather expressed concern that there may be a perception of political pressure for complaints to be decided or the decisions to be issued one direction or the other. Also the timing of handling complaints may be affected: Currently complaints are handled promptly, with a committee handling these complaints might take longer to get a result.

The Commission has also developed a Code of Conduct for the ALJs and has reminded them that as attorneys they are also held to the attorney code of conduct.

Dawn Atkin raised the issue of the language in L74-75 regarding Class B Misdemeanors – this is inappropriate and probably unconstitutional. She also raised the concern or what happens if the 4-year review by DHRM is different from the annual review by the Commission.

Dennis Lloyd suggested that it might be better for the legislature to use what the Labor Commission has done as a model for other agencies to use with their ALJs.

Brandt Goble made a motion to oppose the legislation as written but the Council is still open for further discussion. Jeff Rowley seconded the motion. Voting was unanimous in favor of the motion.

Sherrie stated that she would meet with Jeff Herring, Division Director or DHRM, to discuss our concerns.

Meeting adjourned at 2:45 pm.