Meeting minutes: Workers’ Compensation Advisory Council

Date: Feb. 1, 2022
Minutes prepared by: Elizabeth Cole, executive secretary to the Workers’ Compensation Advisory Council
Location: Webex meeting

Attendance

**Members attended**
Jason Bartlett  
Bill Gschwind  
Maggie Hobbs  
Doug Loon  
Gary Thaden  
Kevin Yakes  
Colin Beere  
Bill McCarthy  
Edward Reynoso  
Robert Ryan  
John Thorson

Karen Kask-Meinke  
Jeanne Vogel  
Carey Wagner  
Ann Tart  
Mike Hill

**Legislative liaisons attended**
Rep. Tony Albright  
Rep. Mike Sundin  
Sen. Paul Utke  
Sen. Jason Isaacson

Rep. Dan Wolgamott  
Sen. Jeff Howe  
Brad Lehto, AFL-CIO  
Lauryn Schothorst, Minnesota Chamber of Commerce  
Sophie Thaden  
Brian Rice, Minnesota Professional Fire Fighters  
Scott Vadhais, Minnesota Professional Fire Fighters  
Lauren Weaver  
Adam Wolkoff, Office of Administrative Hearings  
Lynn Carroll, Workers’ Compensation Reinsurance Association  
John Kysylyczyn  
John Wiatros  
Suzanna Kennedy  
Kathy Bray  
Gary Westman, Department of Administration  
Carla Ferrucci, MAJ  
Andrew Essling  
Karen Eber, MCIT  
Laura Mundt  
Joel Carlson  
David Sullivan  
James Heer  
Auntara De

**DLI staff members attended**
Commissioner Roslyn Robertson  
Assistant Commissioner Kate Daly  
Assistant Commissioner Kate Perushek  
Ethan Landy  
Jessica Stimac  
Chris Leifeld  
Gretchen Longbehn  
Laura Zajac  
Patricia Munkel-Olson  
Julie Klejewski  
Elizabeth Cole  
Alyssa Westergard
Call to order

Commissioner Roslyn Robertson called the meeting to order at 1:31 p.m. A roll call was taken and a quorum was present. Pursuant to Minnesota Statutes § 13D.021, the meeting was held remotely because an in-person meeting was “not practical or prudent” due to the ongoing COVID-19 health pandemic.

Meeting minutes and agenda

The commissioner asked for approval of the minutes from the Jan. 26, 2022, meeting and the Feb. 1, 2022, meeting agenda. A verbal vote was taken and the motion passed.

Agenda items

1. **Overview, discussion and vote on COVID-19 presumption extension**
   Ethan Landy, Department of Labor and Industry (DLI) Office of General Counsel, reviewed the proposed agreement related to the COVID-19 presumption extension. The language sets a sunset date of Dec. 31, 2022, for the presumption expiration. Landy also reviewed the retroactivity exclusion previously contemplated by the council; workers injured after the expiration of the 2021 presumption, but before enactment of the 2022 presumption, would not be covered. However, these employees would not be precluded from claiming other benefits afforded to injured parties under Minn. Stat. § 176.011, subdivisions 15 and 16.

   Sen. Jeff Howe asked the council whether consideration was given to address the definition of "pandemic" versus "endemic," particularly in light of the gap that is created by the expiration of the
presumption at the end of the calendar year. Robertson said the council had not discussed the potential implications of pandemic versus endemic and that council discussions focused on coming to a consensus about the current presumption extension and possible off-ramp options.

Doug Loon provided additional context about council discussions: the intent to reach an agreement in a short amount of time; and the selection of a specific calendar date for the expiration. Rep. Dan Wolgamott asked if the council would consider extending the expiration into the 2023 calendar year. The council discussed the request to consider an extension into the next legislative session to avoid a gap in coverage. Loon proposed an expiration date of Jan. 13, 2023. He requested the members and legislative parties discuss and consider future presumptions and extensions at the council level before moving to the legislative body. He also reminded the group of the role of the council and the balance and thoughtful consideration that is given to topics brought forward. Robertson echoed Loon's sentiments and said this topic would be brought back to the council's attention in the fall for review and discussion.

2. **Overview and vote on DLI Cleanup Proposal**

Landy provided the council with an overview of the DLI Cleanup Proposal regarding licensure of certain Medical Service Review Board members, the correction of Minnesota Insurance Guaranty Association and the filing location of certain workers' compensation documents.

**Vote**

The council voted on the proposed change to extend the COVID-19 presumption expiration from Dec. 31, 2022, to Jan. 13, 2023. Loon moved and Bill McCarthy seconded a motion to approve; a verbal roll call was taken and the motion passed. Commissioner Robertson called for a vote on formally recommending both proposals in their current form. Loon moved and McCarthy seconded a motion to approve; a verbal roll call was taken and the motion passed.

**Adjournment**

Robertson thanked the members for their input and service to the council and recognized McCarthy for his contributions to both the council and labor, in light of his retirement. She called for adjournment of the meeting. McCarthy moved to adjourn and Loon seconded the motion; a verbal roll call was taken and the motion passed. The meeting was adjourned at 2:17 p.m.

Respectfully submitted,
Elizabeth Cole, executive secretary