

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

Legislative liaisons attended

Rep. Tony Albright
Rep. Mike Sundin
Sen. Paul Utke
Sen. Jason Isaacson

DLI staff members attended

Commissioner Roslyn Robertson
Assistant Commissioner Kate Daly
Assistant Commissioner Kate Perushek
Ethan Landy
Jessica Stimac
Chris Leifeld
Gretchen Longbehm
Laura Zajac
Patricia Munkel-Olson
Julie Klejewski
Elizabeth Cole
Alyssa Westergard

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

Visitors attended

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 Vadnais, Minnesota Professional Fire Fighters
Lauren Weaver
Adam Wolkoff, Office of Administrative Hearings
Lynn Carroll, Workers' Compensation Reinsurance
Association
John Kysylyczyn
John Wiatros
Aaron Cocking, IFM
Suzanna Kennedy
Kathy Bray
Gary Westman, Department of Administration
Carla Ferrucci, MAJ
Andrew Essling
Karen Ebert, MCIT
Laura Mundt
Joel Carlson
David Sullivan
James Heer
Auntara De

Bette Zerwas
Jessica Stoeckman
Brandon Miller
Debra Zorn
Jessica Nyman
Peter Lindquist
Gary Carlson
Michael Lewis
Paul Cassidy
Andrew Morrison
David Sullivan
Karl-Christian Johannessen
Carrie Jacobson
Matt Massman
Tiffany Gustin
Adam Fowler
Helen Roberts
Dave Kylo

Katie Kottenbrock
Joe Schindler
Helen Roberts
Ethan Vogel
Rick Varco
Matt Hilgart
Erik Anderson
John Hollick
Harry Kennedy
Marta James
Jerry Sisk
Amy Fullenkamp-Taylor
Jennifer Wolf
Nyle Zikmund
Nate Mussell
Sheree Speer
Andrea Everling

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