



# MICHIGAN SELF-INSURERS' ASSOCIATION

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**Gerald M. Marcinkoski**  
Executive Secretary

**Board of Managers**

**Trinity Health**  
Susan Cyrulnik  
Chairperson

**Alticor, Inc.**  
Steve Ohman  
1<sup>st</sup> Vice Chair

**General Motors Corporation**  
Susan R. Azar  
2<sup>nd</sup> Vice Chair

**City of Grand Rapids**  
Sheila Mahan  
Treasurer

**Varnum Consulting, LLC**  
Libby Child

**Wayne State University**  
Pamela Galloway

**Ford Motor Company**  
Jonathan R. Parker

**Little Caesar Enterprises, Inc.**  
C. Michael Healy

**AT&T Michigan**  
Albert Calille

**Consumers Energy Company**  
Doug Wright

**Chrysler LLC**  
Neil D. Levins

**DTE Energy**  
Douglas A. Green

**FinCor Solutions**  
Janet Kransz

**Marathon Oil Company**  
Barbara Parker

**The Pepsi Bottling Group**  
David Sedlock

**Sherriff-Goslin Company**  
William Ticknor

## MINUTES OF BOARD OF MANAGERS' MEETING

February 8, 2008  
Holiday Inn North Campus  
Ann Arbor, Michigan

**Reminder: Minutes are now only available via e-mail or on the website. If you wish to receive the Minutes via e-mail, please provide your name, company name, and e-mail address to Marianne Melton at [mmelton@laceyjones.com](mailto:mmelton@laceyjones.com)**

### Present:

AZAR, S., General Motors Corporation  
CALILLE, A., AT&T Michigan  
CHILD, L., Varnum Consulting  
CYRULNIK, S., Trinity Health  
GALLOWAY, P., Wayne State University  
GREEN, D., DTE Energy  
HEALY, M., Little Caesar Enterprises, Inc.  
MAHAN, S., City of Grand Rapids  
OHMAN, S., Alticor, Inc.  
PARKER, B., Marathon Oil Company  
TICKNOR, B., Sherriff-Goslin Company  
WRIGHT, D., Consumers Energy Company

### Chairperson's Council:

BLOCK, W., Michigan Chamber of Commerce  
SUSSER, D., Smith Haughey Rice & Roegge  
ZURVALEC, D., Michigan Manufacturers Association

### Not Present:

KRANSZ, J., FinCor Solutions  
LEVINS, N., Chrysler LLC  
PARKER, J., Ford Motor Company  
SEDLOCK, D., The Pepsi Bottling Group

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The MSIA Board of Managers' meeting was called to order at 11:40 a.m., by Chairperson Susan Cyrulnik to discuss the following Agenda.

### AGENDA

1. Minutes of Board of Managers' Prior Meeting
2. Treasurer's Report
3. Nominating Committee Report
4. 2008 Spring Conference Report
5. Technology Committee Report
6. *Amicus Curiae* Committee Report
7. Funds Trustees' Report
8. Health Care Committee Report
9. Legislative Committee Report
10. Old Business
  - a. Roster of MSIA Board of Managers
  - b. Funds Trustee Position
  - c. Magistrate Appointments
  - d. Other Old Business
11. New Business
  - a. Need for Expanded QAC List of Applicants
  - b. WCRI Report
  - c. New Workers' Compensation Legislation?
  - d. 60 Summits Project
  - e. Other New Business

The **Minutes** from the prior Board of Managers' meeting were approved upon motion by Ms. Mahan, seconded by Ms. Azar.

The **Treasurer's Report** was submitted by Ms. Mahan. She distributed information to the Board with respect to its finances. She noted little recent financial activity. The MSIA's 1099 forms have been mailed out. The Chair briefly discussed MSIA's non-profit status. Mr. Calille asked whether there were any large expenses in the future and was told that nothing unusual appeared on the horizon. The Treasurer's Report was approved upon motion of Mr. Wright, seconded by Ms. Parker.

The **Nominating Committee Report** was submitted by Mr. Calille. He reported that Chrysler LLC contacted him to indicate that, given the company's move in a new direction, Chrysler wishes to become part of MSIA's Chairperson's Council and remain a member of MSIA but will not remain on the Board of Managers. Mr. Calille indicated that he has had contact from other companies interested in filling in vacancies on the MSIA Board. The Nominating Committee continues to evaluate and discuss those companies as potential seats for the MSIA Board of Managers. Mr. Calille presently has interviews scheduled with representatives of these particular companies. He will report on the results of those interviews at the next Board Meeting.

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The **2008 Spring Conference Report** was submitted by Mr. Ohman. He explained that the arrangements for the Spring Conference, which is to be held on May 28 through May 30, 2008 at the Grand Traverse Resort, are far along. The Agenda is set for the conference with the theme being, "Dancing with the Comp Stars." Besides speakers, there will be a mock trial and perhaps a mock deposition. The keynote speaker is Mr. Al Haynes whose topic will be "Teamwork and Crisis, Flight 232." There will be five break-out sessions on Thursday. Continuing Education Credits will be available. Members are encouraged to visit the MSIA website for detailed information and registration for the conference. The Conference will conclude on Friday with an address by the Agency personnel, including Director Nolish, Chief Magistrate Gorchow and Chairperson Glaser, along with the Executive Secretary of MSIA. The cocktail/dinner event on Thursday night may include Justices who are seeking a Supreme Court seat in the next state election. Social events include the golf outing on the Wolverine course, a wine country excursion, and a disc jockey in the Trillium in the evenings. There will also be another session of workers' compensation 101 Thursday afternoon for those forgoing the social events planned for that afternoon.

The **Technology Committee Report** was submitted by Ms. Child. She indicated that recent case law summaries have been posted on the website. She further indicated that the Spring Conference information is presently being built to be soon placed on the website. The MSIA Board of Manager's Minutes are posted on the website as opposed to being mailed by hard copy. Also members can have the Minutes emailed to them. Ms. Child noted that there are a number of outdated email addresses from members who had previously requested receipt of the Minutes by email. She encourages all members who wish to receive Minutes by email to provide a current email address. She also indicated that there are now job postings, as well as resumes, on the MSIA website.

The **Amicus Curiae Committee Report** was submitted by Mr. Calille and the Chairperson. Mr. Calille discussed in depth an *amicus curiae* request that had been made with respect to an American Axle case, but Mr. Calille indicated that the request had been withdrawn. The case presently pends before the Michigan Supreme Court on an application for leave to appeal. After much discussion, the Board noted that if leave is granted by the Supreme Court the request might be reconsidered, although there were concerns about the position MSIA should take. The Board was also advised that the *Stokes v Chrysler LLC* case remains pending before the Supreme Court on Chrysler's application. It had been orally argued on October 4, 2007.

The **Funds Trustees' Report** was submitted by Ms. Child. She reported that the next Fund meeting would be the following Monday. She reported that Rose Houk, who often provided counsel to the Funds Trustees, has retired. Ms. Child explained that, as a whole, the Funds are in good shape. There are no large, looming bankruptcies. Ms. Child noted that her tenure as a Funds Trustees is scheduled to end in April, with the MSIA Board seeking a replacement as a Fund Trustee for Ms. Child.

The **Health Care Advisory Committee Report** was submitted by Ms. Azar. She distributed a handout for the Board. It was draft language addressing Evidence Based Medicine. The Board reviewed and suggested changes to one sentence in the draft's language. Mr. Healy indicated that California's

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experience with evidence based medicine was positive, but it had opened the door to new conditions being included, such as sleep disorders.

The **Legislative Committee Report** was submitted by Ms. Block and Mr. Zurvalec. Ms. Block indicated that there is nothing particularly important in terms of workers' compensation in the legislature at this time. She indicated that the prevalent issues there are the budget, aliens, and the trial bar's desire to repeal some of tort reform. Ms. Susser then distributed copies of Mr. Doug Holmes' handout which he had provided at the Workers' Compensation Section Seminar in December, 2007, for the Board's review.

Under **Old Business**, the Board received a new, confidential roster of Board Members to share amongst themselves. The Board noted that it had already discussed the Funds Trustees position earlier. The Board then discussed appointments to the Board of Magistrates. Magistrate Zettel's and Magistrate Baillargeon's spots on the Board of Magistrates were vacated. Possible recommendations for new Magistrates were discussed. The Board also addressed the possibility of other Magistrates leaving the Board of Magistrates in the future.

Under **Other Old Business**, the Board discussed potential difficulties with implementing the federal rule addressing Medicare set asides necessitating reporting by employers, carriers, and tpa's. This is a rule destined to go into effect in July, 2009. The Board will continue to discuss this issue.

Under **New Business**, the Board discussed the need for an updated list of applicants for positions on the Board of Magistrates and the Workers' Compensation Appellate Commission. The Board noted that the currently operative list of candidates approved by the Qualifications Advisory Committee dates back to October 16, 2006. The list is largely depleted and outdated. The Board authorized the Executive Secretary to send a letter to Director Nolish urging that the application process be opened so that more persons can apply and a new round of interviews by the Qualifications Advisory Committee pursued so as to have a fresh list with a sufficient amount of current candidates. The Board also noted that one of the reasons for departures from the Board of Magistrates may be the pay level for the Magistrates, which is now presently lower than the pay level for the Mediators. The Board expressed the belief that the Board of Magistrates salary ought to be increased in order to attract and retain good people for these positions. The Board then was reminded that the Workers' Compensation Research Institute was to distribute and present their report in Michigan on the following Friday. A number of Board members and the Executive Secretary were scheduled to attend.

The Board next discussed recent inquiries from Labor as to whether or not there was any interest in new workers' compensation legislation. The Board, along with the Chamber of Commerce representative at the Board Meeting and the Michigan Manufacturer's representative at the Board Meeting expressed the belief that there was no such desire at the present time. The Board then discussed "The 60 Summit Project," scheduled to get underway shortly in Michigan. This is a summit type meeting of workers' compensation and disability benefits system stakeholders with respect to return to work issues. Ms. Child, of the MSIA Board, is a co-chair of the project. The project relates to disability both occupational and non-occupational in origin. Ms. Child encouraged involvement and attendance at the 60 Summit Project's

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meetings which are to take place the third Thursday of every month for approximately one year. She also encouraged visiting the 60 Summit Project website which can be found by the Google search engine.

Under **Other New Business**, the Board discussed Director Nolish's proposed guidelines with respect to vocational rehabilitation. The Board voiced concerns about the absence of the transcription of evidence at the rare vocational rehabilitation controversy that may prove adversarial and may require litigation and appellate review. The Board authorized the Executive Secretary to send the Director a letter expressing its due process rights' concern on the proposed method for conducting vocational rehabilitation hearings.

The meeting was then adjourned upon Motion of Mr. Calille, seconded by Mr. Ohman at 4:16 p.m.

Respectfully submitted,

*Gerald M. Marcinkoski*

Gerald M. Marcinkoski  
Executive Secretary