



# MICHIGAN SELF-INSURERS' ASSOCIATION

600 SOUTH ADAMS ROAD, SUITE 300 • BIRMINGHAM, MI 48009-6827 • (248) 433-1414 • FAX (248) 433-1241  
www.michselfinsurers.org

**Gerald M. Marcinkoski**  
Executive Secretary

**Board of Managers**

**Trinity Health**  
Susan Cyrulnik  
Chairperson

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Steve Ohman  
1<sup>st</sup> Vice Chair

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

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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

**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

**Wayne County Airport Authority**  
Leigh Stepaniak

## MINUTES OF BOARD OF MANAGERS' MEETING

April 11, 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  
MAHAN, S., City of Grand Rapids  
OHMAN, S., Alticor, Inc.  
PARKER, J., Ford Motor Company  
STEPANIAK, L., Wayne County Airport Authority  
WRIGHT, D., Consumers Energy Company

### Chairperson's Council:

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

### Not Present:

HEALY, M., Little Caesar Enterprises, Inc.  
KRANSZ, J., FinCor Solutions  
PARKER, B., Marathon Oil Company  
SEDLOCK, D., The Pepsi Bottling Group  
TICKNOR, B., Sherriff-Goslin Company

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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. Technology Committee Report
5. *Amicus Curiae* Committee Report
6. Funds Trustees' Report
7. Health Care Committee Report
8. Legislative Committee Report
9. 2008 Spring Conference Committee Report
10. Old Business
  - a. Funds Trustee Position
  - b. Other Old Business
11. New Business
  - a. QAC Appointments
  - b. Magistrate vacancies
  - c. Vocational Rehabilitation Guidelines
  - d. New Application for Mediation or Hearing Forms
  - e. Plaques
  - f. Report on Tucson ABA Conference
  - g. Other New Business

The **Minutes** from the prior Board of Managers' meeting were approved after a correction made by Ms. Azar. The Minutes were approved upon Motion of Mr. Wright, seconded by Ms. Azar.

The **Treasurer's Report** was submitted by Ms. Mahan. She provided the Board with a handout detailing the Board's budget and expenses. She reported there was little activity since the prior board meeting. She reported money was still incoming for the Spring Conference. The report was approved by the Board upon Motion of Ms. Child, seconded by Ms. Ohman.

The **Nominating Committee Report** was submitted by Mr. Calille. He reported that there was one remaining vacancy on the Board of Managers. Any Board Manager with suggestions for candidates to fill that vacancy should relay the suggestion to Mr. Calille. The Executive Secretary is to mention the vacancy on the Board of Managers at the Spring Conference.

The **Technology Committee Report** was submitted by Ms. Child. She reported that the number of members signing up for automatic emails for MSIA "news" posted on the website is increasing. She also reported that registration on the MSIA website was possible for the golf outing, wine outing and hotel registration in conjunction with the Spring Conference. Ms. Child also indicated that Mr. Tom Dana, the webmaster, would have a booth at the Spring Conference with instructions on blogging.

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The **Amicus Curiae Committee Report** was submitted by Mr. Calille and the Executive Secretary. They reported that *Stokes v Chrysler LLC* was still pending before the Michigan Supreme Court. [It has since been decided]. The Board of Managers was also advised that *Brackett v Focus Hope* was recently orally argued before the Michigan Supreme Court on the employers' application for leave to appeal. The issue in *Brackett* is whether the employee's injury is barred by the intentional willful misconduct provision, MCL 418.305. The Board was also advised that *Robertson v Chrysler LLC* continues to pend before the Supreme Court after the remand process on Chrysler's application for leave to appeal.

The **Funds Trustees' Report** was submitted by Ms. Child. She reported that the Funds Trustees would meet the following Monday. She related that the assessment for the upcoming year would be 1%. She also reported that there had been much discussion amongst the Funds Trustees with regard to implementation of the age reduction provision in MCL 418.357(2) given changes in the date persons may begin receiving old age social security benefits. Ms. Child also reported that she was receiving a plaque for her service as a Funds Trustee as her term had expired.

The **Health Care Advisory Committee Report** was submitted by Ms. Azar. She reported that Billie Newsome has replaced Sheila Wilkinson in health care services. The Health Care Committee had recently recommended that Evidence Based Medicine be adopted. The Committee had found that other states which have adopted evidence based medicine health care costs have declined. The Committee had worked on evidence based medicine for many months and passed it by means of a unanimous vote. The Director of the Agency questioned whether the Committee is empowered to make such a recommendation.

The **Legislative Committee Report** was presented by Ms. Block and Mr. Zurvalec. Ms. Block reported that the state budget was still being addressed and was in better shape than it had been last year. The *DLEG* posed various budgetary problems. The Senate was concerned about a number of matters relating to workers' compensation that were not being addressed. Mr. Zurvalec had distributed materials with respect to pending litigation that the Board of Managers felt were more appropriate for the investigators' lobbying concerns.

The **Spring Conference Committee Report** was presented by Mr. Ohman. He indicated the Spring Conference was set with all arrangements finalized. The main exhibitor hall was sold out, although some spots still remained in the lobby.

The Board then discussed the 2008 **Fall Conference** which will be held at Rock Financial Showplace and include an appearance by Mr. Ed Welch

The **Membership Committee** discussion was tabled.

Under **Old Business**, the Board discussed the vacant Funds Trustees position again. The Board also discussed Ms. Parker's medicare update from a particular law firm that relates to the upcoming reporting requirements by employers in relationship to medicare set asides. Ms. Child discussed the 60's summit and its upcoming meeting.

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Under **New Business** the Board noted the lack of response to its concerns expressed with respect to Mr. Richard Zapala's non-reappointment to the Qualifications Advisory Committee and the possible selective application of an ethics opinion in gubernatorial appointments to the Qualifications Advisory Committee. The Board was also advised that the Senate was considering a bill requiring senatorial advise and consent over gubernatorial appointments to the Qualifications Advisory Committee. The Board discussed the continuing vacancies on the Board of Magistrates, the absence of the issuance of the new application for mediation or hearing forms that had been discussed at the Director's Advisory Council, and the Vocational Rehabilitation Guidelines that had been described by the Agency for §319 vocational rehabilitation.

The Executive Secretary next reported on the American Bar Association's Workers' Compensation Seminar that took place in Tucson. Michigan's workers' compensation system was compared and contrasted with that of other states. For example, in Arizona, cases require labor market expert testimony and how the low rate of weekly workers' compensation led to quicker returns to work. In Arizona, a claimant is assumed to be able to return to work within two months of a release to return to work and weekly workers' compensation benefits decreased on the assumption the employee is earning regardless of whether or not he/she is. Texas was described as a heavily bureaucratic state. In Florida, after one year of disability the statute moves the employee from total disability to partial disability. Their system was characterized as "codified fraud avoidance."

Mr. Healy, under **Other Business**, indicated that MSIA's insurance policies will be reviewed the following week. The meeting was then dismissed at 4:09 p.m.

Respectfully submitted,

*Gerald M. Marcinkoski*

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Executive Secretary