



MICHIGAN SELF-INSURERS' ASSOCIATION

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Gerald M. Marcinkoski
Executive Secretary

Board of Managers

General Motors Corporation
Susan R. Azar
Chairperson

Ford Motor Company
Jonathan R. Parker
1st Vice Chair

Consumers Energy Company
Doug Wright
2nd Vice Chair

Little Caesar Enterprises, Inc.
C. Michael Healy
Treasurer

City of Grand Rapids
Mary Beth Jelks

Alticor, Inc.
Lorraine K. Climer

Compatico
Libby Child

Wayne State University
Pamela Galloway

AT&T Michigan
Albert Calille

DTE Energy
Douglas A. Green

FinCor Solutions
Janet Kransz

Marathon Oil Company
Barbara Parker

Trinity Health
Susan Cyrulnik

The Pepsi Bottling Group
David Sedlock

Sherriff-Goslin Company
William Ticknor

Wayne County Airport Authority
Leigh Stepaniak

Kelly Services, Inc.
Lesley Zielinski

MINUTES OF BOARD OF MANAGERS' MEETING October 20, 2008 Rock Financial Show Place Novi, 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

Present:

AZAR, S., General Motors Corporation
CALILLE, A., AT&T Michigan
CHILD, L., Varnum Consulting
CLIMER, L., Alticor, Inc.
CYRULNIK, S., Trinity Health
GALLOWAY, P., Wayne State University
GREEN, D., DTE Energy
HEALY, M. Little Caesar Enterprises, Inc.
KRANSZ, J., FinCor Solutions
MAHAN, S., City of Grand Rapids
PARKER, B., Marathon Oil Company
PARKER, J., Ford Motor Company
STEPANIAK, L., Wayne County Airport Authority
TICKNOR, B., Sherriff-Goslin Company
WRIGHT, D., Consumers Energy Company
ZIELINSKI, L., Kelly Services, Inc.

Chairperson's Council:

SUSSER, D., Smith Haughey Rice & Roegge
ZURVALEC, D., Michigan Manufacturers Association

Not Present:

BLOCK, W., Michigan Chamber of Commerce
SEDLOCK, D., The Pepsi Bottling Group
VENET, K., Chrysler LLC

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The meeting was called to order by Ms. Azar (Ms. Cyrulnik arriving later) at 4:12 p.m. to discuss the following:

AGENDA

1. Minutes of Board of Managers' Prior Meeting
2. Treasurer's Report
3. Nominating Committee Report
4. 2008 Fall Conference Committee Report
5. Technology Committee Report
6. Funds Trustees' Report
7. *Amicus Curiae* Committee Report
8. Membership Committee Report
9. Health Care Committee Report
10. Legislative Committee Report
11. Old Business
 - a. Vendor Problems at Conferences
 - b. Magistrate evaluation forms
 - c. Other Old Business
12. New Business
 - a. Employer Form 105B?
 - b. 2009 Proposed Board of Managers' Meeting Dates and new register information
 - c. *Lofton v Autozone*
 - d. Other new business

Ms. Azar asked for introductions given a number of new Board members.

After the introductions, the **Minutes** were approved upon Motion of Ms. Child, seconded by Ms. Galloway.

The **Treasurer's Report** was submitted by Mr. Healy. He indicated that his Treasurer's Report will follow a different format than that which had been used previously. He reported that the prior Treasurer, Ms. Mahan, left MSIA's financial situation in good shape. Mr. Healy will use a fiscal year of September 1 through August 31. He said the MSIA experienced a small loss in 2008, but had more cash on hand. The Treasurer's Report was accepted upon Motion of Mr. Wright seconded by Ms. Child.

The **Nominating Committee Report** was submitted by Mr. Calille. He announced that Varnum Consulting had submitted their resignation from the Board. The Board approved their resignation. A new high deductible employer, Compatico, was accepted as a member of MSIA and nominated to be a member of the Board of Managers. The Board discussed Compatico's high deductible status. It was resolved that their representative on the Board, Ms. Child, would discuss with Compatico by their next renewal date an increase in their deductible. Upon Motion of Mr. Calille, seconded by Ms. Parker, Compatico was accepted as a company on the Board of Managers. Mr. Calille then addressed Pepsi Bottling Company's lack of attendance at Board Meetings. The Board deemed their attendance not acceptable. The Board

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resolved that it will check whether Pepsi is interested in remaining on the Board. In the meantime, however, they would continue on the Board of Managers. The Chairperson was instructed to write Pepsi regarding their intentions and ask for a response in 30 days. Mr. Calille then discussed the slate of Board Officers to be nominated and companies comprising the Board. The Board chose Ms. Azar to serve as Chairperson, Mr. Parker to serve as 1st Vice Chairperson, Mr. Wright to serve as 2nd Vice Chairperson, Mr. Healy to serve as Treasurer. The Board also noted the 1st Vice Chair typically chairs the Spring Conference. Upon Motion of Ms. Child seconded by Ms. Kransz, the Board unanimously agreed to these officers and the present companies (plus Compatico) for the upcoming year.

The Board then took up the **2008 Fall Conference Committee Report**. The Board reviewed who would be responsible for the various introductions of speakers for the conference the next day. The Committee reported the Conference was expecting approximately 240 attendees, including vendors. This represented a small decline from the preceding year, but financially the Conference was on the same approximate footing. The issue of the presence of vendors who have not registered for the Conference yet appearing was again addressed.

The **Technology Committee Report** was submitted by Ms. Child. She reported that the web site was moving along well and the PayPal method of payment was working well also.

The **Funds Trustees' Report** was submitted by Ms. Azar. She reported that in the preceding week the Funds Trustees had met. The assessment for the Second Injury Fund and the Silicosis and Dust Disease Fund are expected to go down 25% and 60% respectively. The assessment for the Self-Insured Security Fund was not yet projected.

The ***Amicus Curiae* Committee Report** was submitted by Mr. Calille and the Executive Secretary. The Board discussed the Supreme Court's order in *Peterson v Magna Corporation*. This is a case where the Supreme Court has invited the MSIA amongst others to file *amicus curiae* briefs. The issues in the case relate to the assessment on employers of plaintiff's counsel's fees relating to unpaid medical expenses. The Board resolved that the Executive Secretary should file an *amicus curiae* brief with payment not to exceed \$2,000.00. The Board discussed dividing its issues in the *amicus curiae* brief with Mr. Critchell, who is seeking to do an *amicus curiae* brief for another entity. The Board then was advised that the case where it had filed an *amicus curiae* brief, *Robertson v DaimlerChrysler Corporation*, has been remanded by the Supreme Court to the Board of Magistrates. The case is remanded for reconsideration of the disability issue in light of *Stokes v Chrysler LLC*. MSIA's *amicus curiae* brief had addressed the work relatedness issue. The Board was advised of the Supreme Court's order in *Lofton v Autozone*. This is a case where the Supreme Court remanded the case to the Board of Magistrates with the Supreme Court retaining jurisdiction and asking for the case to return to it in January, 2009. The Supreme Court's remand was a two-fold request to determine whether the claimant is disabled in light of *Stokes*; and, if the claimant is disabled, apply the partial disability provision to set the claimant's weekly rate of compensaiton taking into account the amount the claimant is capable of earning post injury.

The **Membership Committee Report** was submitted by Ms. Child and Mr. Healy who act as co-chairs of the Committee. They advised that they will make this Committee more active than in the past. Ms. Stepaniak will deal with renewing memberships and Ms. Zielinski will be addressing new member applications. This Committee plans to meet in November.

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The **Health Care Committee Report** was submitted by Ms. Azar. She said there had been no meeting of the Health Care Committee since the prior MSIA Board Meeting and, therefore, there was nothing new to report.

Under the **Legislative Committee Report** the Board was advised of Senator Mark Jansen's commitment to workers' compensation oversight issues along with the commitment of the Senate Majority Leader Mike Bishop. Mr. Zurvalec explained that in this year's upcoming elections, members of the Senate were not up for election or re-election and, therefore, the composition of the Michigan Senate would remain stable.

Under **Old Business**, the Board noted the vendor problems discussed earlier. The Board also agreed it would be responsive to vendor comments on the new layout of the Fall Conference the following day. The Board then reviewed presently sitting Magistrates for comment. The Executive Secretary was instructed to provide the Board with a list of the current applicants for the Board of Magistrates by email.

There was no **Other Old Business**.

Under **New Business**, the Executive Secretary discussed the employer Form 105B which was expected to be approved at any time. This is the form whereby employers would disclose information as part of the Pre-Trial discovery process. The companion Form 105A is the claimant's form for disclosing information with regard to the person's background, qualifications, training, education and prior experience. It is already in use. The Board discussed the proposed Form 105B noting that questions posed to employers on matters that would be within the claimant's knowledge appeared unnecessary. The Board then reviewed and approved the proposed Board of Managers Meeting Dates for 2009. And, the Board then noted that it had already discussed *Lofton v Autozone* under the *Amicus* Committee Report.

Under **Other New Business**, the Executive Secretary advised that flowers had been sent to persons in the workers' compensation community who are addressing health issues. Ms. Block would be sent a gift in celebration of her newborn child. The Board then welcomed the following new members: University of Michigan, American Medical (Ameristat), Compatico, Advanced Home Care and Kelly Services.

The Board adjourned at 6:40 p.m. noting that tomorrow's Fall Conference would begin in the morning. The Spring Conference Committee will meet at 9:30 a.m. prior to the next Board Meeting.

Respectfully submitted,

Gerald M. Marcinkoski

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Executive Secretary