



# 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  
1<sup>st</sup> Vice Chair

**Consumers Energy Company**  
Doug Wright  
2<sup>nd</sup> Vice Chair

**liitch Holdings, Inc.**  
C. Michael Healy  
Treasurer

**City of Grand Rapids**  
Mari Beth Jelks

**Amway**  
Lorraine K. Climer

**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**  
Teresa Fisk

**Sherriff-Goslin Company**  
William Ticknor

**Wayne County Airport Authority**  
Leigh Stepaniak

**Kelly Services, Inc.**  
Lesley Zielinski

**Meijer**  
Sherri Miller

## MINUTES OF BOARD OF MANAGERS' MEETING

October 21, 2009  
Rock Financial Showplace  
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](mailto:mmelton@laceyjones.com)**

### Present:

AZAR, S., General Motors Corporation  
CALILLE, A., AT&T Michigan  
FISK, T., Trinity Health  
GALLOWAY, P., Wayne State University  
HEALY, M. Little Caesar Enterprises, Inc.  
JELKS, M., City of Grand Rapids  
KRANSZ, J., FinCor Solutions  
MILLER, S., Meijer  
PARKER, B., Marathon Oil Company  
PARKER, J., Ford Motor Company  
PRETZER, D., CareWorks USA  
WRIGHT, D., Consumers Energy Company  
STEPANIAK, L., Wayne County Airport Authority  
TICKNOR, B., Sheriff-Goslin Company  
ZIELINSKI, L., Kelly Services, Inc.

### Chairperson's Council:

BLOCK, W., Michigan Chamber of Commerce  
CHILD, L., Qualifications Advisory Committee  
SPIKE, J., Michigan Manufacturer's Association  
SUSSER, D., Smith Haughey Rice & Roegge

### Not Present:

CLIMER, L., Amway  
GREEN, D., DTE Energy  
LEVINS, N., Chrysler Group LLC

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Chairperson, Susan Azar, called the meeting to order at 4:07 p.m. to discuss the following Agenda:

### AGENDA

1. Minutes of Board of Managers' Prior Board Meeting
2. Treasurer's Report
3. Nominating Committee Report
4. Funds Trustees' Report
5. *Amicus Curiae* Committee Report
6. Technology Committee Report
7. 2009 Fall Conference Committee Report
8. Health Care Committee Report
9. Legislative Committee Report
10. Membership Committee Report
11. Old Business
  - a. Joint Conference with PRMA?
  - b. Status of Board of Magistrates
  - c. Other Old Business
12. New Business
  - a. Student scholarship?
  - b. Conflict of interest statement/whistle blower statement
  - c. Problem with gift cards?
  - d. Other New Business

The Chairperson suggested that the Board, before addressing the above specific items, first address the Fall Conference scheduled for the following day, given Ms. Pretzer's involvement with the conference. Mr. Wright described the status of the conference and the Board reviewed who would be doing introductions of speakers. Two Hundred persons pre-registered for the conference. The Board recognized the three gold sponsors: Data Surveys, Inc; Global Options; and Medical Care Coordinators, Inc. The Board addressed the problem with gift cards and was advised that CVS, who had distributed the Spring Conference gift cards, would refund any amounts on cards that posed a problem. The Board said Board members cannot win raffles and there could be no multiple winners of raffles.

The Board then proceeded to review the **Minutes** of the prior Board meeting. Delphi's name was corrected to reflect their current name. Ms. Miller made a correction to indicate she had been present at the prior Board meeting. With those corrections the Board approved the minutes upon motion of Ms. Zielinski, seconded by Ms. Parker.

The **Treasurer's Report** was submitted by Mr. Healy. He provided the Board with a handout describing finances. He reported that deposits had been made with respect to the Fall Conference. He indicated that one of the two certificates of deposit will be renewed in November. He characterized the MSIA's checking account as "healthy". Membership dues are coming in. Thirty Thousand (\$30,000.00) dollars have been collected from the Fifty Thousand (\$50,000.00) dollars that had been billed. The Treasurer's Report was approved upon motion of Mr. Ticknor, seconded by Ms. Stepaniak.

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The **Nominating Committee's Report** was tabled until Mr. Calille's arrival. After his arrival, the Board discussed the Board's officers for the upcoming year. Upon motion of Mr. Calille, the Board unanimously agreed to recommendation to the MSIA Members re-appointment of all the existing officers.

The **Funds Trustees Report** was submitted by Ms. Azar. The Board discussed the state of the Self-Insured Security Fund at length and the impact of bankruptcies upon the Fund. Ms. Azar reported that she was asked to resign as a Funds Trustee, given potential conflicts of interest between her position at General Motors, the bankruptcy at Delphi, and the Funds' position on certain matters. Delphi's default has created potential lifetime exposure in the area of Sixty Million dollars. Ace Insurance Company has filed in the United States Bankruptcy Court an action contesting the Funds' position that they provide extensive workers' compensation insurance for Delphi. Ms. Block questioned the effect on MSIA's members if the Self-Insured Security Fund becomes depleted. After discussion, the Board concluded that every effort should be made to avoid the potential catastrophe for workers' compensation recipients of bankrupt companies and for the state's self insured community. Ms. Azar did submit her letter of resignation, but she continues to serve as a Funds Trustee until the Governor replaces her. The Board then discussed potential names to submit for the Self-Insured's seat on the three person Board of Funds Trustees. The three persons settled on are, in no particular order, Mr. Douglas Green (DTE), Albert Calille (AT&T), and Libby Child (MSIA Chairperson's Council).

The **Amicus Curiae Committee Report** was submitted by the Executive Secretary. He explained that the *Trammel v Consumers Energy* case was still pending before the Court of Appeals on Consumers Energy's application for leave to appeal. This is the case where the Workers' Compensation Appellate Commission held that in specific loss cases, implants are not to be taken into account in evaluating the usefulness of the body member. [Since the October board meeting the Michigan Court of Appeals has denied leave to appeal in *Trammel*.] The Board then discussed the pending RICO case before the United States Supreme Court. The United States Supreme Court has directed plaintiff's counsel to file an answer to the pending appeal by the defendants. Counsel for MSIA *amicus curiae* was encouraged by this directive from the United States Supreme Court.

The **Technology Committee Report** was submitted by Ms. Child and Mr. Parker. They reported that the information relating to the Fall Conference was posted on the website. The website has also segregated regular news from breaking news. The board discussed making the website more interactive with features such as "Ask Board Members" or "Ask Jerry". The Board envisioned those projects coming to fruition sometime in the spring of 2010. Also, MSIA plans to advertise its scholarship, as described below, on the website.

The **Health Care Committee Report** was submitted by Ms. Azar. She reported that there was no recent meetings and, therefore, nothing of substance to report. Free standing facilities continue to ask for more money, per the most recent meeting of the Health Care Committee.

The **Legislative Committee Report** was submitted by Ms. Block and Ms. Spike. Ms. Spike reported that the Governor and Legislature are preoccupied with budgetary matters. She indicated that there was no impetus for raising fees in the Senate. Ms. Block indicated that there is an employee "misclassification"

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issue in the works. Ms. Block explained that there is a legislative effort to give the Director of the Workers' Compensation Agency wide authority to decide who is and who is not an independent contractor. The Executive Secretary reported the *Loos* case to be argued before the Michigan Supreme Court a few days later on the question of whether claimants are independent contractors or employees given filings with the Internal Revenue Service and others proofs relative to that point.

Issues relevant to the **Membership Committee Report** had already been discussed under the Treasurers' report.

Under **Old Business**, the Board again addressed the possibility of a joint conference with PRMA. One conference call in that regard has occurred and another conference call is scheduled. The Board noted a cost discrepancy between the two groups. The Board discussed the possibility of a "Lunch N' Learn" in March with RIMS. The Board then discussed the status of the Board of Magistrates. At the time of the Board meeting everyone was anticipating an executive order altering or abolishing the present Board of Magistrates.

Under **Other Old Business**, the Board again discussed the need for members to explicitly counter efforts to nationalize workers' compensation at the federal level, as had previously been discussed.

Under **New Business**, Ms. Zielinski raised the idea of MSIA sponsoring a scholarship, in light of an inquiry to that effect from Olivet College. Ms. Stepaniak reported the PRMA has such a scholarship and explained how it worked. The Board agreed this would be a good idea for MSIA. Ms. Zielinski is to contact Olivet and tell them that for MSIA's next Fall Conference MSIA will provide a "scholarship" for student(s) to come to the conference free of charge. The Board also discussed whether it should have "conflict of interest" and/or Whistle Blower statement, as had been suggested to Mr. Healy. After discussion Mr. Healy advised that he will inquire further into this matter and get back to the Board.

Under **Other New Business**, the Board discussed the 2010 Spring Conference. Ms. Child and Mr. Parker suggested that we raise Ms. Pretzer's pay given her efforts at these conferences. The Spring Conference Committee will be composed of Mr. Parker (Chair) along with Ms. Kransz, Ms. Azar, Ms. Child, Ms. Fisk, Mr. Wright, Mr. Healy, and Ms. Parker. The Board also indicated that it had pictures of attendees at old conferences dating back a number of years. The Board also resolved that before every upcoming scheduled MSIA Board Meeting the Spring Conference Committee would meet beforehand. Also, the Board requested a list of the dates of MSIA Board Meetings for the next calendar year; they are to be provided at the November MSIA Board Meeting. The Board concluded with a discussion of supplements paid by some employers in addition to workers' compensation benefits to equalize the total payout to the claimant's net pay. The Board welcomed new member "Without Walls".

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The Board then adjourned for a dinner with Mr. Douglas Holmes of UWC, Keynote Speaker at the next day's Conference. The meeting adjourned at 6:17 p.m.

Respectfully submitted,

*Gerald M. Marcinkoski*

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Executive Secretary