



Dawn M. Droblich
Executive Secretary

Board of Managers

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General Motors LLC
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Kelly Services
Sandra DiCicco

**Marathon Petroleum Company
LP**
Paulette Burghardt

Meijer
Theresa Hileman

Spectrum Health
Lorraine Climer

University of Michigan
Kathleen M. Rychlinski

Wayne County Airport Authority
Heather Day

Wayne State University
Pamela Galloway

MINUTES OF BOARD OF MANAGERS' MEETING

February 19, 2021

Present:

BURGHARDT, P., Marathon Petroleum Company
COULSON, C., City of Grand Rapids
DICICCO, S., Kelly Services
EDDY, C., Consumers Energy
GALLOWAY, P., Wayne State University
HILEMAN, T., Meijer
HOOPER, J, DTE Energy
KOLBUSZ, W., General Motors
MASON, K., Ford Motor Company
NIEHAUS, M., Ilitch Holdings, Inc.
RYCHLINSKI, K., University of Michigan
SITES, E., Trinity Health

Chairperson's Council:

SUSSER, D., MacArthur, MacArthur & Associates, PC
WHITE, D., FCA US LLC
WORTHAMS, D., Michigan Manufacturers Association

Not Present:

BLOCK, W., Michigan Chamber of Commerce
BRUNO-HERLINE, L., AT&T Michigan
CLIMER, L., Spectrum Health
DAY, H., Wayne County Airport Authority
PENZ, M., Human Service Association Workers Compensation Fund

The Chairperson, Ms. Mason, called the meeting to order at 11:34 a.m. to address the following Agenda:

Presiding: Kathryn Mason, Chairperson

1. Minutes of Board of Managers' prior Board Meeting
2. Old Business
 - a. Historic MSIA materials at Lacey & Jones
 - b. Committee Restructure 2021
 - c. Goals for MSIA 2021/Relaunch/Handouts 2019
2. New Business
 - a. Treeline/Phone-line/MSIA Website
 - b. Marketing Michigan Self-Insureds/Handout
 - c. 2022 Spring Conference Dates
3. Legislative Committee Report
4. Treasurer's Report
 - a. January 2021 Financial Report – Checking Account
 - b. January 2021 Financial Report – Money Market
5. 2021 Spring Conference Committee Report
 - a. April 14-15, 2021 virtual conference
 - b. Theme/Speakers/Vendors
6. Technology Committee Report
 - a. MSIA website management – Akea/Treeline
7. Nominating Committee Report
 - a. Vacancies on the Board
 - b. Board Member Testimonials
8. Membership Committee Report
 - a. Membership survey/Treeline
 - b. Dues structure
9. *Amicus Curiae* Committee Report
 - a. *Omer v Steel Technologies, Inc.*
 - b. *Cramer v Transitional Health Services of Wayne*
10. Health Care Committee Report
11. Funds Trustee Committee Report

The **Minutes** were approved upon motion by Ms. Rychlinski and seconded by Mr. Niehaus.

Under **Old Business**, the Executive Secretary discussed that Board Members Ms. Rychlinski, Ms. Mason, and Ms. DiCicco volunteered to assist Ms. Droblich in going through the voluminous boxes of MSIA historical data that are currently being stored in her office. The information that has been stored dates back to the 1950s and includes the MSIA original constitution, financial lectures and minutes. It was decided that the contents would be reviewed to determine what needed to be preserved and stored and then sent to the new management company, Treeline, to assist in their duties. The Board members who volunteered were thanked for their assistance.

Also in **Old Business**, Ms. Rychlinski discussed a proposed committee restructure. Ms. Rychlinski, Mr. Hooper and Ms. Mason had a meeting and proposed various changes to the Board pertaining to the committee structure. To begin, there are three committees required by the constitution: the Executive, Legislative and Audit Committees. Ms. Rychlinski indicated that the proposal would be for the Executive

and Audit Committees to be merged as one. There would be no change to the Legislative Committee which would coordinate and communicate with the Agency and legislators regarding issues associated with self-insured concerns.

As to committees appointed by the Board of Managers, Ms. Rychlinski indicated that the *Amicus* and Contract Review Committees would remain the same to determine if *amicus* briefs were recommended as well as to review the MSIA contracts with vendors. The other committee that would remain the same would be the Conference Committee which coordinates all issues associated with planning the Spring and Fall Conferences.

Mr. Hooper proposed an elimination of the Technology Committee and replacing it with a new Marketing and Communications Committee. This committee would be developed to identify needed website updates and as well as coordinating with the web developer to grow membership and develop a marketing plan. This plan would include developing a social media presence across different platforms.

It was then discussed by Ms. Rychlinski that the Membership Committee would be restructured to include 2-3 people to focus on administrative tasks as well as to maintain the membership roster, evaluate dues structures, oversee the collection of dues and send out overdue notices. Ms. DiCicco added that she felt it would be sufficient to have 2 people on this committee. She also noted that a new dues structure would be tackled after the Spring Conference. Ms. DiCicco will be working closely with Treeline on this matter.

Ms. Rychlinski continued by stating that the Health Care Committee would be eliminated and that there would be a stand-alone representative, who is currently Ms. Mason. She will continue to attend the meetings and report developments to the Board. Likewise, this would be the same for the Funds Trustee Committee whose tasks are handled solely by Mr. Hooper. As far as the Nominating Committee, this would be eliminated as well and members from the Executive Committee would be utilized when new candidates for the Board are identified.

Mr. Niehaus commented that he felt these recommendations would bring some streamlining to the Board and help to focus on targeted areas. Ms. Rychlinski indicated the next step, if this committee structure was adopted, would be to convene and to draft a chart to provide to the Board outlining the mission of each committee. It was recommended that the Membership Committee consist of Ms. DiCicco and Mr. Niehaus who will work together on the administrative function of maintaining the member roster and dues. A welcome package to new members will be sent out by the Membership Committee as well.

In other **Old Business**, the re-launch of MSIA was discussed by the Board. Mr. Hooper indicated that it doesn't necessarily have to be a "revolution" but rather an "evolution over time." Ms. Rychlinski stated when the Board had its member retreat in 2019, the goal was to implement a five-year program. Mr. Niehaus indicated essentially what is being evaluated now at is a "status report" about what has been done thus far, and what needs to be done to further accomplish our goals. Mr. Hooper noted that at the Spring

Conference he will address the membership in his opening comments about how the theme of “Facing the Future, Together” ties in with the goals and agenda for MSIA 2021.

In **New Business**, Ms. Mason discussed that there had been communication with Treeline to ascertain a designated phone line to handle all calls specifically relating to the Conference. Additionally, there had been a distribution in the handouts to the Board of a listing of the approximate 600 self-insureds in the State of Michigan. It was discussed how marketing efforts could utilize this list to broaden the membership and encourage participation in this year’s Spring Conference.

In other areas of **New Business**, the 2022 Spring Conference date was discussed. Ms. Droblich will work with Ms. Poole to ascertain available dates to discuss with the Board.

Also in **New Business**, the 2021 Fall Conference was discussed. The Board agreed that it would be best to hold a virtual conference. The date of October 13, 2021 was decided to be the best date to hold same. Accordingly, all members are encouraged to save the date.

The **Legislative Committee Report** was provided by Mr. Worthams. He stated that the Governor’s budget has been passed. He stated there was a continuance in the support for Michigan Reconnect to address the talent gap in Michigan. Additionally, support was indicated for the Future for Front Liners program which was an educational funding program for first responders to get an Associate Degree.

In other Legislative business, Mr. Worthams indicated that there has not been any information released from the Senate Majority Leader’s office pertaining to the advice and consent of the magistrate appointments which went in to effect on January 27, 2021. He will continue to keep the Board advised.

As for Legislative bills that are being watched, he stated both House Bills 4171 and 4172, extend the presumption for certain types of cancer to forest fire officers/crash rescue officers to presume the cancer arose out of and in the course of employment. These workers would be able to seek wage loss and medical benefits from the First Responder Presumed Coverage Fund. House Bill 4171 seeks to amend the Workers’ Disability Compensation Act beginning January 1, 2022 to allow eligible part-time, paid on-call, voluntary firefighters and retired full-time, part-time, paid on-call and volunteer firefighters to seek benefits from the First Responder Presumed Coverage Fund. It would also add breast and ovarian cancer to diseases presumed to arise out of and in the course of employment as a firefighter with respect to a claim against the Fund. There has only been testimony only on these bills. They will continue to be monitored closely.

Finally, Mr. Worthams advised that the Governor has extended her earlier acts allowing restaurants to be open only to 25% capacity and closing at 10:00 P.M. until March 26, 2021.

The **Treasurer's Report** was submitted by Mr. Niehaus. He indicated that there was a lack of income in the month of January as there were no new members nor dues received. He also indicated the CPA was paid the preparation fee for the MSIA tax return and an *amicus* brief had also been filed. Mr. Niehaus stated that typically January has been a lower income month with eventual revenue coming in the Spring for the Conference. Additionally, he stated he would be looking into the cyber insurance when the other lines of insurance are renewed in April.

The **2021 Spring Conference Committee** report was submitted by Mr. Hooper. He indicated that the theme was "Facing the Future, Together." He stated the Committee is currently finalizing the schedule with the key note speaker being Chief Justice Bridgett McCormick of the Michigan Supreme Court and Kit Welchlin, the motivational speaker.

The Committee decided that early registrants will be given a special gift for registering early as well as a discount for the Fall Conference. The Board also discussed promoting a special "student rate" for interns or college students working in the field who attend the Conference. The Board will be circulating further information.

The **Technology Committee** report was submitted by Ms. Sites. She indicated that Ms. Poole has been working closely with Akea Web Technologies for updates to the web site. This will become more of a priority upon completion of the Spring Conference.

The **Nominating Committee** report was submitted by Ms. Rychlinski. She continued to state there were two remaining vacancies on the Board which can be addressed at the upcoming virtual conference. Again, it was discussed by the Executive Secretary that it might be helpful at the Spring Conference to have the Board members discuss how beneficial it is to their employers to be on the Board, i.e., "Board member testimonials." As an example, Ms. Sites and Ms. Climer had both previously illustrated the point about obtaining beneficial information from fellow Board members regarding the best practice as to handling COVID claims. Again, any member interested in sitting on the Board is encouraged to contact the Executive Secretary.

The **Membership Committee** report was submitted by Ms. DiCicco. She indicated there have been no new applications for membership. Ms. DiCicco again reiterated that she would be meeting with Ms. Poole to discuss an update of the dues structure following the Spring Conference.

The **Amicus Curiae Committee** report was submitted by Ms. Droblich. She advised that the *amicus* brief has been filed in the matter of *Omer v Steel Technologies* to the Michigan Supreme Court. We are currently awaiting a decision at any time with respect to same. Please recall that MSIA argued in this case that the Court of Appeals in *Omer*, a precedent setting case, ruled a physician can provide competent evidence on whether a medical condition satisfies the legal definition of "disability" in the Workers' Compensation statute. MSIA argued that these considerations were beyond a doctor's expertise and

argued for the Supreme Court to correct the Court of Appeals' misapprehension of the extent of physicians' expertise.

Additionally, Ms. Droblich discussed a request to submit an *amicus* brief in the case of *Cramer v Transitional Health Services of Wayne*. This case had been remanded by the Michigan Supreme Court to the Court of Appeals where it presently pends. This is an important issue with the Supreme Court implying that the "significant manner *Martin* test" offends the taking the employee as he/she is principle. Please recall that *Martin* has been the current test for over twenty years. The Supreme Court seems to suggest that the "significant manner" test must fall because the employee's pre-existing condition should be irrelevant in arthritis, heart and mental aging process cases. It is important to argue and emphasize to the Court the "significant manner *Martin* test" was properly applied by the Magistrate and supported by the Michigan Compensation Appellate Commission and is not at odds with principles pertaining to pre-existing conditions. The Board approved the filing of an *amicus* brief. Ms. Droblich will continue to keep the Board advised with respect to the filing of same.

The **Health Care Committee** report was submitted by Ms. Mason. She indicated that the next scheduled meeting is for April 21, 2021.

The **Funds Trustee Committee** report was submitted by Mr. Hooper. He stated the next meeting is scheduled for April 12, 2021. He will continue to keep the Board closely advised.

Upon motion by Mr. Coulson and seconded by Mr. Hooper, the meeting was adjourned at 2:32 P.M.

Respectfully submitted,

Dawn M. Droblich
Executive Secretary