



**Dawn M. Droblich**  
Executive Secretary

**Board of Managers**

**Ford Motor Company**  
Kathryn Mason  
Chair

**DTE Energy**  
Jerome Hooper  
1<sup>st</sup> Vice Chair

**Trinity Health**  
Ellyse Sites  
2<sup>nd</sup> Vice Chair

**Ilitch Holdings, Inc.**  
Michael J. Niehaus  
Treasurer

**City of Grand Rapids**  
Craig Coulson

**Consumers Energy Company**  
Cynthia Eddy

**General Motors LLC**  
Wendy Kolbusz

**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

March 19, 2021

**Present:**

BURGHARDT, P., Marathon Petroleum Company  
CLIMER, L., Spectrum Health  
COULSON, C., City of Grand Rapids  
DAY, H., Wayne County Airport Authority  
DICICCO, S., Kelly Services  
EDDY, C., Consumers Energy  
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:**

WHITE, D., FCA US LLC  
WORTHAMS, D., Michigan Manufacturers Association

**Not Present:**

BLOCK, W., Michigan Chamber of Commerce  
BRUNO-HERLINE, L., AT&T Michigan  
GALLOWAY, P., Wayne State University  
PENZ, M., Human Service Association Workers Compensation Fund  
SUSSER, D., MacArthur, MacArthur & Associates, PC

The Chairperson, Ms. Mason, called the meeting to order at 11:35 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 materials at Lacey & Jones
  - b. Treeline/Phone-line
  - c. 2022 Spring Conference Dates
  - d. Committee Restructure 2021
  - e. Marketing Michigan Self-Insureds for Conference
3. New Business
  - a. MSIA Whistleblower Policy
  - b. Proposed Administrative Rules for Workers' Compensation
4. Legislative Committee Report
5. Treasurer's Report
  - a. February 2021 Financial Report – Checking Account
  - b. February 2021 Financial Report – Money Market
6. 2021 Spring Conference Committee Report
  - a. April 14-15, 2021 virtual conference
  - b. Theme/Speakers/Vendors
  - c. Conference survey of membership
  - d. Board Member Testimonials
  - e. Sponsorship of Kids' Chance
7. 2021 Fall Conference Committee Report
  - a. October 13, 2021 virtual conference
8. Technology Committee Report
  - a. MSIA website management
9. Nominating Committee Report
  - a. Reach out to new Board members
10. Membership Committee Report
  - a. Membership survey/Treeline
11. *Amicus Curiae* Committee Report
  - a. *Omer v Steel Technologies, Inc.*
  - b. *Cramer v Transitional Health Services of Wayne*
12. Health Care Committee Report
13. Funds Trustee Committee Report

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

Under **Old Business**, Ms. Droblich thanked Ms. Mason, Ms. DiCicco, and Ms. Rychlinski for assisting her in reviewing the historical MSIA materials that had been stored at Lacey & Jones. All significant and legally important documents will be sent to a storage facility. In reviewing the voluminous documents, many original and historical documents, to include the original constitution for MSIA, were preserved.

In other **Old Business**, the phone line for Treeline had been installed so there is now a designated line to handle conference matters. Additionally, the Board discussed next year's 2022 Spring Conference and

potential dates. It was decided that the matter would be deferred until the National Council of Self-Insurers decided their conference date. The Executive Secretary will keep the Board advised.

Pertaining to the committee restructure, it was decided this would be discussed after the Spring Conference, as well as new marketing ideas to grow membership.

In **New Business**, the Executive Secretary presented the Board with the MSIA Whistleblowers' Policy. She requested that all Board members complete same. The policy is intended to encourage and enable members to raise serious concerns within the Association prior to seeking resolution outside of the organization. All Board members are in agreement with signing the Whistleblowers' Policy.

Next, the Board discussed the proposed Workers' Compensation Agency Rules. There were several rules which raised concern amongst the Board. It was discussed that substantively, several of the rules seemed to conflict with the statute or case law. All Board members are encouraged to review the proposed rules with their respective counsel and are encouraged to discuss any areas of concern with the Executive Secretary. When the rules are submitted for public hearing, it may be necessary to elicit testimony from MSIA regarding the Board's position with respect to same. Ms. Droblich will keep the Board closely advised.

The **Legislative Committee Report** was submitted by Mr. Worthams. He discussed House Bills 4171 and 4172. Mr. Worthams and Ms. Droblich had a meeting with State Representative Yaroch to discuss this bill that had been introduced into the House. Essentially, House Bill 4172 would amend the Workers' Disability Compensation to Act to extend to forest fire officers and fire/crash rescue officers a presumption under the Act, which currently applies to firefighters, that certain cancers were caused by exposure and hazards on the job. Those who developed such a cancer could seek wage loss and medical benefits from the First Responder Presumed Coverage Fund created under the Act. The cancer is "presumed to arise out of and in the course of employment only" with respect to a claim against the Fund and only in the absence of a non-work related cause. The presumption could be rebutted by scientific evidence that the individual was a substantial user of tobacco products in the ten years before the date of injury and that use was a significant factor in causing the cancer.

Additionally, the bill would also include breast and ovarian cancers. This bill would expand the population of people eligible to receive the benefits from approximately 7,600 to 29,000. Representative Yaroch noted in 2020 there had been eight claims that had been submitted.

The discussion Mr. Worthams and Ms. Droblich had with Representative Yaroch was that this was a slippery slope as it pertained to amending the Workers' Compensation Act. We discussed amendments to the Act in 2011. While he understood our concerns, he indicated that this was his life's goal to get this legislation passed. We indicated that we would neither support nor oppose the bill unless other provisions were added to same, which could cause MSIA to then oppose the bill.

Subsequent to our discussion, House Bill 4172 passed. It has not yet been referred to the Senate committee.

The **Treasurer's Report** was submitted by Mr. Niehaus. He stated there had been an increase in revenue due to conference income. Expenditures for the month included National Counsel dues as well as administrative salaries. He also indicated we had to pay for the software for the Virtual Spring Conference. Mr. Niehaus indicated he would continue to advise the Board pertaining to obtaining quotes for cyber insurance coverage when the main insurance premiums were due 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 that the speakers were all in place with the keynote speaker being Chief Justice Bridget McCormick of the Michigan Supreme Court and Kit Welchlin, the motivational speaker.

It was discussed how post surveys will be taken after each presentation. Other Conference matters were discussed as to how to close the conference on both dates. It was decided that a trivia contest would end the first day. The second day, the last speaker is Chief Justice McCormick, and following her presentation there would be some closing remarks. Sponsorship of Kids Chance was also discussed and approved.

The Committee had decided that early registrants would be given a special gift for registering early and a discount for the Fall Conference. The Board also discussed the special "student rate" for interns or college students working in the field who attend the Conference. The Board also approved complimentary registration for the Board of Magistrates and Appellate Commission.

Finally, Ms. Poole was thanked for all of her hard work and assistance in organizing the first virtual Spring platform. The Spring Conference Committee and Mr. Hooper, as the Chair, were also thanked for their many hours of hard work.

The **2021 Fall Conference Committee** report was submitted by Mr. Hooper. He stated the date has been chosen of October 13, 2021. At the current time, the conference is scheduled to be virtual. More details will follow after the Spring Conference.

The **Technology Committee** report was submitted by Ms. Sites. She indicated that the committee will be meeting and discussing further developments upon completion of the Spring Conference.

The **Nominating Committee** report was submitted by Ms. Rychlinski. She indicated that Ms. Bruno-Herline had given notice to the Board, as her responsibilities have changed, she had to resign from the Board. She also indicated that there would not be a replacement member from AT&T. Ms. Bruno-Herline was thanked for her many years of dedication and service to the Board. She will be a greatly missed member who has contributed much over the years.

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Additionally, Ms. Rychlinski indicated that she would have an informal meeting with respect to the newest members of the Board to discuss with them how the Board functions. Specifically, Ms. Rychlinski was going to be meeting with Ms. Burghardt from Marathon Petroleum, Ms. Eddy from Consumers Energy, Ms. Kolbusz from General Motors and Ms. Hileman from Meijer. Ms. Rychlinski was thanked for her time and effort as well.

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 indicated that an *amicus* brief has been filed in the matter of *Omer v Steel Technologies* to the Michigan Supreme Court. We are still awaiting a decision with respect to same.

Additionally, a new *amicus curiae* brief had been filed in the case of *Cramer v Transitional Health Services of Wayne*. The Board was provided with a copy of the *amicus* brief that had been filed by Mr. Marcinkoski, Of Counsel to Lacey & Jones, LLP. Specifically, the issue MSIA asked the Court of Appeals to consider was whether the longstanding *Martin* test was consistent with the principle that a pre-existing condition does not bar eligibility for workers' compensation benefits and consistent with MCL 418.301(2) as it is explained in *Farrington* and *Gardner*. The *amicus curiae* brief MSIA filed would state *Martin* is consistent. This is a very significant issue before the Court of Appeals. The Executive Secretary will continue to keep the Board closely advised with respect to same.

The **Health Care Committee** report was submitted by Ms. Mason. She indicated that the next scheduled meeting was set 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.

With no further matters to be discussed, upon motion by Ms. Rychlinski and seconded by Mr. Hooper, the meeting was adjourned at 2:49 P.M.

Respectfully submitted,

Dawn M. Droblich  
Executive Secretary