

**Dawn M. Droblich**  
Executive Secretary

**Board of Managers**

**Kelly Services, Inc.**  
Sandra DiCicco  
Chair

**Ford Motor Company**  
Kathryn Mason  
1<sup>st</sup> Vice Chair

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

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

**AT & T Michigan**  
Lisa M. Bruno-Herline

**City of Grand Rapids**  
Craig Coulson

**Consumers Energy Company**  
Steven Bush

**DTE Energy**  
Jerome Hooper

**General Motors LLC**

**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  
April 17, 2020  
TELECONFERENCE

Reminder: Minutes are now only available via e-mail on the website. If you wish to receive the Minutes via e-mail, please provide your name, company name, and e-mail address to Keeli Baker via e-mail.

**Present:**

BRUNO-HERLINE, L., AT&T Michigan  
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  
GALLOWAY, P., Wayne State University  
HILEMAN, T., Meijer  
MASON, K., Ford Motor Company  
NIEHAUS, M., Ilitch Holdings, Inc.  
RYCHLINSKI, K., University of Michigan  
SITES, E., Trinity Health

**Chairperson's Council:**

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

**Not Present:**

BLOCK, W., Michigan Chamber of Commerce  
BUSH, S., Consumers Energy  
HOOPER, J., DTE Energy  
PENZ, M., HSA WCF (representing the Group Funds)

The Chairperson, Ms. DiCicco, called the meeting to order at 11:33 a.m. to address the following Agenda:

**Presiding: Sandra DiCicco, Chairperson**

1. 1. Minutes of Board of Managers' prior Board Meeting
2. 2. Old Business
  - a. Retreat Agenda
  - b. MSIA Committee Appointments 2020
3. 3. New Business
  - a. MSIA 2020 Objectives
4. 4. Treasurer's Report
  - a. Financial Report February 2020
5. 5. Legislative Committee Report
6. 6. 2020 Spring Conference
  - a. June 10-11, 2020, Grand Rapids, MI
  - b. Theme/Speakers
7. 7. 2020 Fall Conference
8. 8. a. October 13-14, 2020, Laurel Manor, Livonia, MI
9. 9. Technology Committee Report
  - a. Committee meeting
  - b. Fellowship Committee Report
10. 10. Nominating Committee Report
  - a. Vacancies on the Board
11. 11. Membership Committee Report
12. 12. *Amicus Curiae* Committee Report
13. 13. Health Care Committee Report
14. 14. Funds Trustee Report

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

Under **Old Business**, it was again decided that the 2019 retreat Agenda would be re-visited at the next in-person Board Meeting.

Next, the Board discussed the MSIA letter written to Governor Whitmer dated March 23, 2020 in response to the Emergency Rules of March 18, 2020. Ms. Drobnich stated that subsequent to the submission of that letter, a new Emergency Rule set dated March 30, 2020 went into effect. Specifically, under Rule 3 of the March 30, 2020 Rules, it indicates, "These Emergency Rules supersede the entirety of the Emergency Rules filed March 18, 2020."

It had been the position of MSIA that the initial Emergency Rules posed serious legal problems in defining a compensable injury and conflicted with the statute and settled law. Accordingly, the March 30, 2020 Emergency Rules specifically state that a first response employee must be diagnosed with COVID-19 by a physician or a test and now allows a rebuttable presumption by the employer if in fact they are able to demonstrate that the first response employee was not exposed to COVID-19 at work.

The Board discussed in detail the Emergency Rules of March 30, 2020 and their impact upon the employer community. While MSIA applauded the effort of the Governor and her team to meet on all fronts the challenges of COVID-19, the Board believed a remedy to the problems identified in the first Rule set was necessary to be in conformity with the law.

Under **New Business**, much of the discussion revolved around the current pandemic and the employers' respective responses regarding same. Several of Governor Whitmer's Executive Orders were discussed as they impacted workers' compensation, and the closure of the Agency for in-person hearings. The Board expressed concern about cases not progressing, while at the same time understanding the current need for the shelter at home Order.

The **Legislative Committee Report** was submitted by Ms. McKinley. She indicated that the Governor's State of Emergency Executive Order was due to expire on April 30, 2020. She indicated that there is predicted to be a show down between the Governor and Legislative leaders as this date approaches. Ms. McKinley noted that the Governor would need to extend her State of Emergency Order to extend the Stay home Stay safe Order. Ms. McKinley will continue to advise regarding this Order and any legal activity which may follow.

In order issues, Ms. McKinley indicated that matters were still being discussed in the Legislature as it pertained to the upcoming election. Additionally, the Executive Order dealing with unemployment benefits and not charging those benefits back to the employer was set to expire on April 25, 2020. Ms. McKinley will continue to advise if that Order is extended.

The **Treasurer's Report** was submitted by Mr. Niehaus. He indicated that there had been several deposits as it pertained to dues renewals. He also indicated that there were some withdraws from the checking account having to do with returns for the cancelled 2020 Spring Conference.

The **Spring 2020 Conference Committee Report** was submitted by Ms. Mason. The Board had previously voted to cancel the June 10-11, 2020 Conference due to COVID-19. Accordingly, new dates were being discussed for 2021 and applying credits from the DeVos Place and the Amway to next year's Conference.

The **Fall 2020 Committee Report** was submitted by Ms. DiCicco. She discussed in length the Conference Committee's recommendation to cancel the Fall 2020 Conference. After further discussion amongst the Board, there was a unanimous vote to cancel same. Specifically, concerns of the Board included the fact that many employers have taken large financial hits due to COVID-19 and budgets would presumably not allow for employers to be sending their employees to these Conferences. Therefore, to minimize cancellation fees as well as potential low attendance, the Board voted to cancel same.

The **Technology Committee** report was submitted by Ms. Sites. She indicated there had been no recent meetings, and therefore, at the current time, no update to be provided.

The **Nominating Committee Report** was given by Ms. Rychlinski. She stated that there continued to be two vacancies on the Board. At this time, there has not been any interest by any self-insured employer with respect to same. Any employer interested is encouraged to contact the Executive Secretary with respect to same.

The **Membership Committee Report** was submitted by Ms. DiCicco. She stated that no new employers had applied for membership.

The **Amicus Curiae Report** was submitted by Ms. Droblich. She indicated there were no new requests for any *amicus* briefs. However, there was a recent Court of Appeals decision, *Omer v Steel Technologies, Inc.*, that has a significant ruling detrimental to employers. This will be followed closely to determine whether the defense attorney will be filing an appeal so that MSIA could file an *amicus* brief. The Executive Secretary will be contacting the defense attorney to determine whether or not that appeal will be filed.

The **Health Care Committee Report** was submitted by Ms. Mason. She indicated that the April 15, 2020 meeting had been cancelled and not yet rescheduled. Ms. Mason will keep the Board closely advised.

The **Funds Trustees Report** was deferred in the absence of Mr. Hooper.

Upon motion by Mr. Coulson, and seconded by Ms. Rychlinski, the meeting was adjourned at 2:28pm.

Respectfully submitted,

Dawn M. Droblich  
Executive Secretary