

Dawn M. Droblich
Executive Secretary

Board of Managers

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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

May 15, 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
BUSH, S., Consumers Energy
DAY, H. Wayne County Airport Authority
DICICCO, S., Kelly Services
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:

BLOCK, W., Michigan Chamber of Commerce
SUSSER, D., MacArthur, MacArthur & Associates, PC
WHITE, D., FCA US LLC

Not Present:

CLIMER, L., Spectrum Health
COULSON, C., City of Grand Rapids
EDDY, C., Consumers Energy
HOOPER, J., DTE Energy
McKINLEY, D., Michigan Manufacturers' Association
PENZ, M., HSA WCF (representing the Group Funds)

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

Presiding: Sandra DiCicco, Chairperson

1. Minutes of Board of Managers' prior Board Meeting
2. Old Business
 - a. Emergency Rules March 30, 2020
 - b. Retreat Agenda/MSIA 2020 Objectives
3. New Business
 - a. COVID-19 Governor's Executive Orders
 - b. Workers' Compensation Agency update
4. Legislative Committee Report
5. Treasurer's Report
 - a. Financial Report April 2020
6. 2020 Spring Conference Cancelled
 - a. Rescheduled date: April 14-15, 2021
7. 2020 Fall Conference
 - a. Status of cancellation
9. Technology Committee Report
10. Nominating Committee Report
 - a. Vacancies on the Board
11. Membership Committee Report
12. *Amicus Curiae* Committee Report
13. Health Care Committee Report
 - a. June 17 Teleconference
14. Funds Trustee Report

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

Under **Old Business**, the Emergency Rules dated March 30, 2020 were again discussed. Essentially, it has been the position of the Board that while MSIA applauds the effort of the Governor and her team to meet the challenges of COVID-19, the Board recognizes that the Emergency Rules pose legal issues in defining a compensable injury.

In other Old Business, the Board deferred the discussion regarding the September 2019 Retreat goals for MSIA for 2020. Due to COVID-19, the Board has been unable to meet in person and has had other priorities upon which they have been focusing. Accordingly, the discussion has been tabled until further notice.

Under **New Business**, it was discussed that the Board would add a June meeting to the schedule in lieu of the cancelled Spring Conference. Additionally, all new Executive Orders issued by Governor Whitmer were discussed in detail with the focus being on when the Agency would re-open for in-person business. At the current time, Director Nolish has continued to extend the time frame as to when the various Agencies across the State will re-open. The current re-opening is slated for June 8, 2020. Ms. Droblich will continue to keep the Board closely advised. It was discussed how cases are not progressing for various reasons to include medical facilities being closed, IME's not being allowed, the Director waiving the requirement for workers to

look for work within their qualifications and training, and the Agency in-person closure. MSIA will continue to work towards supporting a safe re-opening in conformance with all health care and CDC guidelines and recommendations.

The **Legislative Committee Report** was provided by Ms. Block. She indicated that the Governor's State of Emergency and Executive Order was extended allowing her to extend the Stay Home Stay Safe Order through May.

In other issues, Ms. Block indicated that many employers have voiced a concern that the presumptions as outlined in the Emergency Rules would be expanded to cover other classes of employees. This is being watched carefully. The answer as to exactly who the COVID-19 presumptions will extend to is unclear at this time. The concern about expanding the presumption is one MSIA shares and that this expansion could potentially devastate more employers when they are economically down.

Also, Ms. Block indicated that two House Bills had been introduced by Democrats in an attempt to codify the new Workers' Compensation Presumptions noted in the Emergency Rules. This first is House Bill 5743. This Bill is similar to one that was recently struck down in Illinois. Ms. Block will continue to update the Board regarding any progression of this bill, and attempting to codify these Presumptions.

Additionally, House Bill 5758 was introduced to also codify and amend Section 405 of the Act regarding the definition of personal injury for "essential workers' exposure due to an infectious disease declared by the Governor". Under this Bill, it states an individual who is 'required to work during a State declared emergency because he or she is considered necessary to sustain or protect life, or to conduct minimum operations during a time that the State has ordered the closure of all businesses that are considered non-essential". The concern is the impact this Bill might have in widening the scope and definition of "essential employees" to potentially include classes of workers such as construction workers, grocery store workers, etc. Again, Ms. Block will be carefully monitoring both Bills and will advise the Board.

The **Treasurer's Report** was submitted by Mr. Niehaus. He indicated that the checking account balance was down. He had to transfer money from the Money Market account as revenue in April was small. He stated that all *amicus* briefs had been paid for as had the annual Kids Chance contribution. He indicated the Board needed to discuss different avenues of managing money because of expenditures and decreased revenue.

The Executive Council had met on May 13, 2020 to discuss various ways of cutting costs. Ms. DiCicco had approached MHA regarding their current fee structure and ideas as to how to cut costs. The Board was advised as to the outcome of that conversation. Essentially, four areas were broken down by the Executive Council as to where assistance was needed: the Fall Conference; Spring Conference; bookkeeping monthly expenditures; and membership dues and maintenance. The discussion will continue at the June Board Meeting.

The **Spring 2020 Committee Report** was submitted by Ms. Mason. She indicated that as the June 10 Spring Conference in Grand Rapids had been cancelled and rescheduled, new contracts were to be sent out regarding the Spring 2021 Conference. Ms. Bruno-Herline had reviewed the contracts and made important suggestions regarding necessary language which needed to be added the contracts pursuant to the pandemic and potential concerns where we will be within a year.

Mr. Bush discussed the contracts with the Amway and DeVos Centers and how it would be beneficial to obtain written assurances from them or in the contracts regarding the ability to reschedule the Conference if the Governor's Order prevented gatherings of a number of persons expected to attend the conference. Clearly, MSIA needs to get as many people possible to attend an MSIA in-person conference. We may need to increase sponsorship opportunities from the various vendors to increase revenue. Clearly, MSIA will also be looking to negotiate the best terms possible for the food and the rooms with the venues.

Ms. Day also introduced the idea of holding a virtual Conference in lieu of the cancelled Spring and Fall Conferences in 2020. The Board did discuss the logistics about having the ability to meet in person to plan and arrange for such an event. This type of endeavor would require much coordination with many people being in different locations, and would prove to be a difficult event to coordinate successfully. The idea as to how to get out current information to the membership was explored further.

The **Fall 2020 Conference Committee Report** was submitted by Ms. DiCicco. She indicated that the Conference had been cancelled and the vendors were being reimbursed. All were thanked for their support of the Fall Conference. However, the concerns of the Board were that to minimize cancellation fees as well as potential low attendance, the Board felt it best to cancel the October 2020 Conference.

The **Technology Committee** was submitted by Ms. Sites. She indicated that there were no recent meetings, and therefore, no update to be provided.

The **Nominating Committee Report** was provided by Ms. Rychlinski. She again stated there continued to be two vacancies on the Board without any interest by a self-insured employer with respect to same. The Executive Secretary reminded the Board that anyone in interested as to information as to other employers who may be interested with a seat on the Board were encouraged to contact the Executive Secretary with respect to same.

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

The **Amicus Curiae Report** was submitted by Ms. Droblich. She indicated that there had been no new requests for any *amicus* briefs.

The **Health Care Committee Report** was submitted by Ms. Mason. She indicated that the next scheduled meeting was June 17, 2020, and that she would keep the Board closely advised.

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

Upon motion by Mr. Niehaus, and seconded by Mr. Bush, the meeting was adjourned at 2:48 pm.

Respectfully submitted,

Dawn M. Droblich
Executive Secretary