



Dawn M. Droblich
Executive Secretary

Board of Managers

DTE Energy
Jerome Hooper
Chair

University of Michigan
Kathleen M. Rychlinski
1st Vice Chair

Kelly Services
Sandra DiCicco
2nd Vice Chair

Ilitch Holdings, Inc.
Michael J. Niehaus
Treasurer

City of Grand Rapids
Erik Von Hatten

Consumers Energy Company
Rebecca Parris

FireKeepers Casino Hotel
Roxanna Perez

Ford Motor Company
Kathryn Dominguez

General Motors LLC
Wendy Kolbusz

Henry Ford Health
Sam Vogel

**Marathon Petroleum Company
LP**
Courtney Quilter

Meijer
Theresa Hileman

Spectrum Health
Lindsay Pierce

Trinity Health
Rose Wohlgemuth

Wayne County Airport Authority
Lynda Racey

Wayne State University
Pamela Galloway

MINUTES OF BOARD OF MANAGERS' MEETING

JANUARY 27, 2023

Present:

DICICCO, S., Kelly Services
DOMINGUEZ, K., Ford Motor Company
GALLOWAY, P., Wayne State University
HILEMAN, T., Meijer
HOOPER, J, DTE Energy
KOLBUSZ, W., General Motors
NIEHAUS, M., Ilitch Holdings, Inc.
PARRIS, R., Consumers Energy Company
PEREZ, R., FireKeepers Casino Hotel
PIERCE, L., Spectrum Health
QUILTER, C., Marathon Petroleum Company
RYCHLINSKI, K., University of Michigan
WOHLGEMUTH, R., Trinity Health
VOGEL, S., Henry Ford 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
PENZ, M., Human Service Association Workers Compensation Fund
RACEY, L., Wayne County Airport Authority
VON HATTEN, E., City of Grand Rapids

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February 17, 2023

The Chairperson, Mr. Hooper, called the meeting to order at 11:36 AM to address the following Agenda:

Presiding: Jerome Hooper, Chairperson

- 1) Minutes of Board of Managers' prior Board Meeting
- 2) Old Business
 - a) 2022-2023 Slate of Officers
 - b) Constitutional Changes/Website
 - c) Rate Increase for Members
 - d) Magistrates Term Expiration
 - e) 2023 Meeting Dates (In person?)
 - f) 2022 Fall Conference Final Words
- 3) New Business
 - a) Welcome New Board Member – FireKeepers Casino & Hotel
 - b) Welcome New Board Member – Henry Ford Health
 - c) “Proud Partner with Kids Chance”
 - d) New Website Hosting Service/Marketing Activity Recommended
 - e) Kids' Chance/MSIA Top Golf – April 18, 2023
- 4) 2023 Spring Conference
 - a) May 31, 2023 – June 2, 2023/Boyne Mountain Resort
 - b) Conference Schedule
 - c) Speakers/Theme
 - d) Networking Event
 - e) Golf Outing
 - f) WCPC credit
 - g) Invites to Agency Personnel
- 5) 2023 Fall Conference
 - a) October 26, 2023/Laurel Manor, Livonia, MI
- 6) Legislative Committee Report
- 7) Treasurer's Report
 - a) October 2022 Financial Report – Checking Account
 - b) October 2022 Financial Report – Money Market Account
 - c) November 2022 Financial Report – Checking Account
 - d) November 2022 Financial Report – Money Market Account
 - e) December 2022 Financial Report – Checking Account
 - f) December 2022 Financial Report – Money Market Account
- 8) Marketing & Communication Committee Report
- 9) Membership Committee Report
 - a) Outstanding Dues
- 10) *Amicus Curiae* Committee Report
 - a) John Doe v General Motors, LLC – Michigan Supreme Court Argument
- 11) Health Care Committee Report
- 12) Funds Trustee Committee Report

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

In **Old Business**, the Board discussed the 2023 Slate of Officers that included: Jerome Hooper as Chair, Kate Rychlinski as 1st Vice Chair, Sandra DiCicco as 2nd Vice Chair, and Michael Niehaus as Treasurer.

Additionally, the Board discussed the rate increase for all members which had been approved at the 2022 Fall Conference by the general membership.

Next, Ms. Droblich discussed the seven Magistrates whose terms were expiring on January 26, 2023. MSIA has been involved in the discussions pertaining to the appointments of the Magistrates. If any Board member or general member had any input, they were directed to contact Ms. Droblich to discuss same.

The 2023 Board meeting dates were set on the calendar. A discussion ensued regarding the possibility of several Board members hosting in-person meetings at their respective employers. Mr. Hooper, Ms. Rychlinski, and Ms. Perez were to check availability at their locations. A revised meeting date schedule will be circulated at the next Board meeting.

Finally, there was discussion regarding the 2022 Fall Conference. The Board was provided with a spreadsheet from Dynamic Growth Consulting, which showed that the conference made a profit from same. After reviewing all fees and expenses, it was determined that expectations for both Dynamic Growth and Association Guidance were met. Both companies were thanked by the Board for all their hard work in making the conference a success.

In **New Business**, the Board welcomed new Board members Ms. Roxanna Perez from FireKeepers Casino Hotel and Mr. Sam Vogel from Henry Ford Health. Both Ms. Perez and Mr. Vogel informed the Board of their respective titles and job responsibilities at their employers. The Board welcomed the two new employer members and look forward to working with them.

Next, Ms. Droblich discussed with the Board the request from Kids Chance to have at the bottom of the MSIA website a tagline that reads "Proud Supporter of Kids Chance." The Board unanimously agreed to same, noting the very positive partnership MSIA has had with Kids Chance in the past. Likewise, the Board was advised that Kids Chance will also have at the bottom of their website a tagline which reads "Proud Supporter of MSIA."

In other New Business, the Board discussed the fact that a new website hosting service will be needed effective June 30, 2023 as AKEA Web Solutions would be ceasing business operations. AKEA has serviced the MSIA for the past twelve years. Accordingly, the Board will be searching for a new website hosting provider. Should any member have any recommendations, please contact the Executive Secretary.

Finally, in New Business, the Board was reminded there is a joint Kids Chance/MSIA event scheduled at Top Golf for April 18, 2023. All members are encouraged to attend this great networking event. For further information, please contact the Executive Secretary.

The **2023 Spring Conference Committee Report** was submitted by Mr. Hooper. The date of the conference is May 31, 2023 through June 2, 2023 at Boyne Mountain Resort. The Board discussed at

length the conference schedule and potential speakers. Various ideas were a cocktail party/networking event as well as a golf outing. Additional work will be done so that the WCPC credit can be given at the Spring Conference. Additionally, invites to the Agency personnel will be going out shortly.

The **2023 Fall Conference Committee Report** was submitted by Mr. Hooper. He indicated that the date has been set and is October 26, 2023 at Laurel Manor in Livonia, Michigan. Mr. Niehaus indicated that he had been provided with the contract. Ms. Galloway and Ms. Droblich will review same so that it may be submitted to Association Guidance, the MSIA conference planner, and ultimately to Laurel Manor. The Board will be kept advised as to further details regarding the one-day conference. Any suggestions for speakers will be welcomed.

The **Legislative Committee Report** was submitted by Mr. Worthams. He stated that the 102nd Michigan Legislature has begun, and the two new leaders are Representative Joe Tate (D – Detroit) who will be Speaker of the House and Senator Winnie Brinks (D – Grand Rapids) who will be Senate Majority Leader.

Mr. Worthams indicated in the 102nd Legislature, most workers' compensation matters will be referred to the House and Senate Labor Committees which is a new committee that the Democrats typically have when they are in power. Representative Jim Haadsma (D – Battle Creek) and Senator John Cherry (D – Flint) were appointed Co-Chairs to that committee. The Executive Secretary indicated that she is familiar with Mr. Haadsma as he has been a workers' compensation attorney in the Battle Creek area for many years. Further discussion was had regarding potential legislative change.

Additionally, Mr. Worthams indicated that Governor Whitmer gave her fifth State of the State address this week. The highlights included:

- 1) A call for an increase in the Earned Income Tax Credit;
- 2) Repeal of the Pension Tax;
- 3) Expansion of the Elliott Larsen Civil Rights Act to include gender expression and sexual orientation;
- 4) Provide universal pre-K for 4 year old children by the end of her term;
- 5) Expand Michigan Re-Connect to include 21 years and older;
- 6) Enact gun safety laws.

Finally, Mr. Worthams indicated that the Court of Appeals had made a ruling in the *Mothering Justice v the State of Michigan* case, which deals with paid sick leave and minimum wage. This was a unanimous decision that the Legislature may use to adopt and amend procedures with citizen initiatives. This is a major win for the business community and most certainly will be appealed to the Michigan Supreme Court. Mr. Worthams was thanked by the Board for his report.

The **Treasurer's Report** was submitted by Mr. Niehaus. He reviewed with the Board the financial statements from October through December 2022 indicating there had been a positive cash flow. He indicated but for the conference expenses there had been an increase in income primarily due to the

collection of dues. The Board discussed the payment to Dynamic Growth Consulting and Association Guidance. Given the fees that are paid for both vendors, there was still a positive influx of cash, in part due to their hard work on the Fall Conference.

Mr. Niehaus indicated the tax filing statement had been done and submitted to the accountant. He indicated that the contracts have been signed for both the 2023 Spring and Fall Conferences. He indicated he would be working with the bookkeeper to formulate a spreadsheet showing trending expenses and income.

The **Marketing and Communication Committee Report** was submitted by Ms. Rychlinski. She indicated that there would be a meeting held to discuss strategies that encompass the upcoming conference as well as updates to the website.

The **Membership Committee Report** was submitted by Ms. DiCicco. She advised the Board that there had been two new members in the month of January as previously discussed, FireKeepers Casino Hotel and Henry Ford Health. Additionally, Ms. DiCicco indicated that dues payments were now going to be able to be paid and accepted on the updated website. She indicated that once the website is fully updated we will be able to get out email blasts and updates to the general membership and generate interest in MSIA.

The **Amicus Curiae Committee Report** was submitted by the Executive Secretary. Ms. Droblich advised the Board regarding the Court of Appeals case of *John Doe v General Motors*, that was to be argued at the Michigan Supreme Court. Essentially, in the case, the plaintiffs, John and Jane Doe, were injured at work while operating a die press. The plaintiffs brought this action against the employer alleging an intentional tort. Prior to the close of discovery, the defendant moved for summary disposition arguing that this action is prohibited by MCL 481.131(1), the exclusive remedy provision of the Workers' Disability Compensation Act. The trial court agreed and granted summary disposition.

The case is of interest to MSIA as a watchdog for employers in protecting the exclusive remedy provision. The Court of Appeals affirmed in a two to one unpublished opinion the trial court's opinion. The majority rejected the contention that the trial court was required to permit discovery prior to ruling on the defendant's motion, finding that the plaintiffs failed to explain how discovery was likely to advance their case. The Supreme Court has ordered oral argument on the application to address whether the circuit court erred by granting summary disposition to the defendant under the intentional tort exception to the exclusive remedy provision of the Workers' Disability Compensation Act. Ms. Droblich will continue to keep the Board closely advised.

The **Health Care Committee Report** was submitted by Ms. Dominguez. She indicated the January 18, 2023 meeting had been adjourned. The next meeting is scheduled for April 19, 2023. Ms. Dominguez will continue to keep the Board closely advised when the Health Care Committee meets.

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The **Funds Trustee Committee Report** was delivered by Mr. Hooper. He indicated that the next meeting will be held on February 13, 2023.

After a roundtable discussion regarding potential new Magistrates and legislative changes, upon motion by Mr. Niehaus and seconded by Ms. Rychlinski, the meeting was adjourned at 3:08 PM.