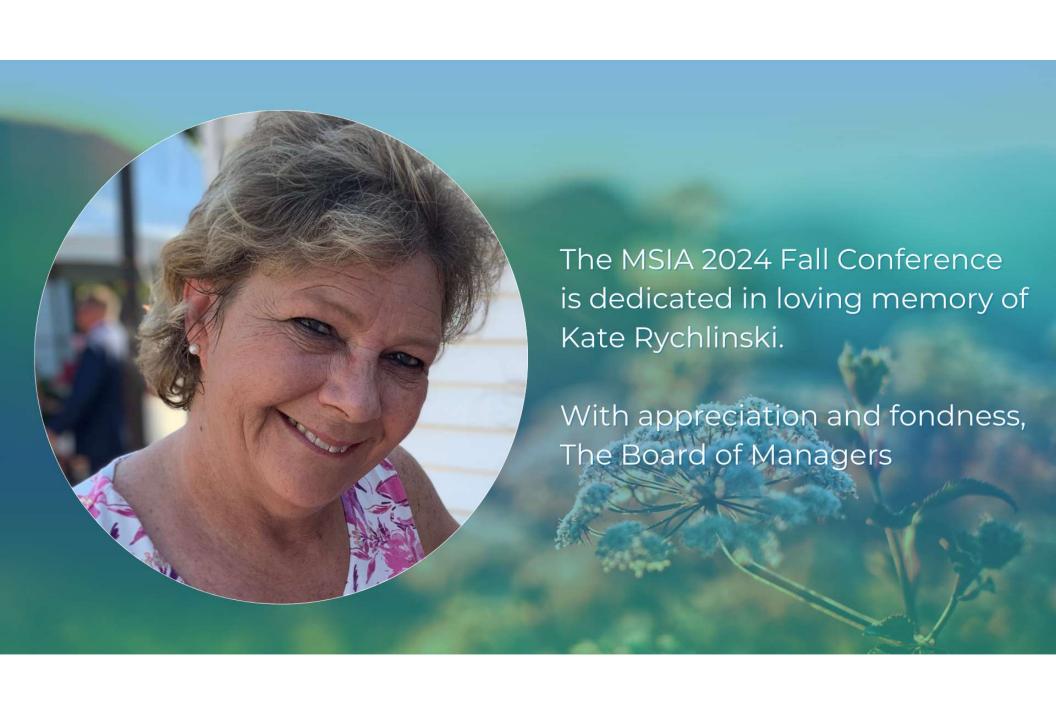




# WELCOME!

MSIA 2024 FALL CONFERENCE

OCTOBER 3, 2024 | LAUREL MANOR, LIVONIA





#### MICHIGAN SELF-INSURERS' ASSOCIATION

3001 W. Big Beaver Road, Suite 206, Troy, MI 48084 • 248-433-1414 • www.michselfinsurers.org

#### MINUTES OF AUDIT COMMITTEE

October 26, 2023

At the request of the Chairperson of the Board of Managers of the Michigan Self-Insurers' Association, an Audit Committee was established to verify the accuracy of the financial transactions of the Michigan Self-Insurers' Association for the fiscal year ending August 31, 2023.

Based on the Committee's review of the financial records provided by the Treasurer, including checking and saving account balances and disbursements and receipts, the Committee reports that the Treasurer's Report accurately reflects the funds available to the Michigan Self-Insurers' Association for the fiscal year ending August 31, 2023.

Respectfully submitted,

Kathryn Dominguez,

Chairperson, Audit Committee

Katie Dominguez



3001 W. Big Beaver Road, Suite 206, Troy, MI 48084 • 248-433-1414 • www.michselfinsurers.org

#### MINUTES OF ANNUAL MEMBERSHIP MEETING

October 26, 2023

- The 2023 annual MSIA membership meeting and Fall Conference was held on October 26, 2023.
- The Audit Committee of the MSIA Board of Managers related that the annual Audit Report had been reviewed and was unanimously approved.
- 3. The following companies were approved by the membership to continue as the governing Board of Managers for the Michigan Self-Insurers' Association for 2023-2024: City of Grand Rapids; Consumers Energy Company; Corewell Health; DTE Energy; FireKeepers Casino Hotel; Ford Motor Company; General Motors LLC; Henry Ford Health; Ilitch Holdings, Inc.; Marathon Petroleum Co.; Meijer; SpartanNash; Trinity Health; University of Michigan; Wayne County Airport Authority; and Wayne State University.

The following officers were elected by the membership to serve for 2023-2024: Kathleen Rychlinski, University of Michigan - Chairperson; Kathryn Dominguez, Ford Motor Company - 1st Vice Chair; San Vogel, Henry Ford Health - 2nd Vice Chair; Mike Niehaus, Ilitch Holdings - Treasurer; and Dawn Drobnich - Lacey & Jones, Executive Secretary

Respectfully submitted,

Deur m online -

Dawn Drobnich, Executive Secretary





### MSIA FALL CONFERENCE Laurel Manor, Livonia, MI October 3, 2024

Dawn M. Drobnich Executive Secretary, MSIA



#### **AGENDA**

- I. Introduction: MSIA Today
- II. Recognition of Board of Managers & 2024-2025 Slate of Officers
- III. Legal Updates: Caselaw Updates
- IV. Status of Proposed Worker's Compensation Legislative Bill(s)
- V. Closing Remarks



#### I. INTRODUCTION: MSIA TODAY

- (A) 2024 In Review
- (B) Events
- (C) Watchdog over legislative affairs/self-insured's interest
- (D) Members



Ability Assessments PC

Advantage OT

Barrett, Carrie (Lacey & Jones, LLP)

**Bridge Excess Solutions** 

Buie, William (Conklin Benham PC)

Cannon Cochran Management Services, Inc.

Carlisle Medical, Inc.

Cianciosi, Lawrence (Hanba & Lazar, P.C.)

City of Grand Rapids

CompOne Administrators, Inc.

COR Freedom LLC

Corewell Health

County Road Association Self-Insurance Fund

Data Surveys, Inc.

Detroit Public Schools Community District

Digistream Investigations, Inc.

Doctors of Physical Therapy

Drobnich, Dawn

(Lacey & Jones, MSIA Secretary)

DTE Energy

EHIM, Powered by ProCare Rx

Entech Medical Staffing

Examworks

FireKeepers Casino Hotel

Ford Motor Company

Four Winds Casino

General Motors

#### MSIA MEMBERS

Genex

Gillies, Caitlin (Murphy & Spagnuolo, P.C.)

Hannon, Donald

(Humphrey Hannon Ruedisueli P.C.)

Henry Ford Health Systems

Hickey, Leonard (Hickey Combs PLC)

Hostetler Fontaine & Associates

Ilitch Holdings, Inc.

IMX Medical Management Services, a QTC Company

IndeQuest Nurse Case ManagementInsight Service

Group, Inc.

King, Daniel (LeVasseur & DeFrank, P.C.)

LeVasseur, Denice (Levasseur & DeFrank, P.C.)

Lovernick, Richard (Conklin Benham PC)

MacArthur, MacArthur & Associates

Mackinaw Administrators

Marathon Petroleum

Meijer Great Lakes LTD

Michigan Bankers Association

Michigan IME, LLC

Midland County

Midwest Employers Casualty

NovaCare Rehabilitation

Noeske, Walter (Conklin Benham PC)

O'Brien, John

(Blake, Kirchner, Symonds, Larson, & Smith, P.C.)

Occupational Care Services

OCS OT & Case Management Services

OMPT Specialists, Inc.

O'Neill, J Patrick (Lacey & Jones, LLP)

Optum

Orlowski, Robert (Lacey & Jones, LLP)

Powers, Sean (Lacey & Jones, LLP)

Read, Lauri (Keller Thoma, P.C.)

Reed Detective Agency

Rehab Pathways Group

Rehab Without Walls

Reviewworks

Safety National

Sedgwick

Semco Energy

SET SEG

Shoreline Orthopaedics

SpartanNash

Stellantis, Inc.

Team Rehabilitation

The ASU Group

The Imaging Center

Trinity Health

University of Michigan

Wayne County Airport Authority

Wayne State University



#### II. RECOGNITION OF BOARD OF MANAGERS 2024

#### A. BOARD MEMBERS

City of Grand Rapids-Erik Von Hatten
Consumers Energy-Darla Walz
Corewell Health-Lindsay Pierce
Detroit Public Schools Community District-Denise Pretzer
DTE Energy-Jerome Hooper
Firekeepers Casino Hotel-Roxanna Perez
Ford Motor Company-Katie Dominguez
General Motors-Cynthia Parker
Henry Ford Health-Sam Vogel
Ilitch Holdings-Michael Niehaus

Marathon Petroleum-Courtney Quilter
Meijer-Theresa Hileman
SpartanNash- Andromeda Matz
Trinity Health-Sandra DiCicco
University of Michigan-Heather Banules
Wayne County Airport Authority-Lynda Racey
Wayne State University-Pam Galloway

Executive Secretary- Dawn Drobnich



#### B. SLATE OF OFFICERS 2024-2025

Chair
First Vice Chair
Second Vice Chair
Treasurer

Executive Secretary

Katie Dominguez, Ford Sam Vogel, Henry Ford Health Roxanna Perez, Firekeepers Casino Hotel Mike Niehaus, Illich Holdings Dawn Drobnich, Lacey & Jones



#### III. LEGAL UPDATES: CASELAW UPDATES

#### A. HAGES V SANDVIK INC. 2024 ACO #4

 MAGISTRATE MUST PERFORM A "COMPLETE DISABILITY ANALYSIS" AFTER THE INITIAL SHOWING OF DISABILITY

#### PROCEDURAL HISTORY

- 1. Magistrate Ognisanti granted open award to plaintiff from 2012–2017 and then said not eligible to receive benefits for failure to perform work offered by the Defendant.
- 2. WDCAC affirms in part and remands in part.



#### **FACTS**

- 1. Plaintiff was a maintenance leader who performed a job where he crawled into a chiller machine and used a putty knife repetitively for one day at causing his left hand to be "enormously swollen."
- 2. Had left CTS surgery, and after that diagnosed with complex regional pain syndrome. Defense IME doctor agreed work related CTS and CRPS, and placed restrictions no use of left arm, and significantly restricted right arm.
- 3. Plaintiff also treated with a psychologist who diagnosed a depressive disorder.
- 4. In 2017, Defendant employer offered him work as a security guard and testified he was "only expected to use eyes and ears" and to call 911 if something wrong.



#### FACTS CON'T

- 5. Plaintiff's psychologist found him <u>not able</u> to "safely perform the security job due to sleep deprivation and inability to focus," as well as a "severe panic attack after he tried to return to work."
- 6. Magistrate applied the "significant manner standard," and found plaintiff had a work-related mental condition as well as the physical injuries.
- 7. Both parties presented testimony from voc consultants, finding lesser paying jobs. Plaintiff's expert, Michelle Robb, opined plaintiff did not have the qualifications, training, or work restrictions given his mental status to have performed the job offered at employer of security guard.



#### **ISSUE**

- 1. After the initial finding of disability, did the Magistrate err by not performing a complete disability analysis pursuant to section MCL 418.301(4)–(8)?
- 2. Whether the job offered as a security guard was "reasonable employment" taking into account his mental condition, and whether he had "good and reasonable cause" to refuse it?



#### **DECISION**

- 1. WDCA found it was uncontested that plaintiff could not return to his previous job, which was his highest paying job. But this analysis is only an "initial showing of disability", and magistrate erred by then not performing a "partial disability analysis".
- 2. Job offer of security guard was a "bona fide" offer. However, remand necessary to determine if the job was "reasonable employment" within his capacity to perform given the plaintiff's work-related mental condition, and whether employer knew of the mental condition to include panic attacks and would still make that offer.



#### B. LAU V NEW WORLD BUILDING CORPORATION, 2024 ACO #6

• DIRECTOR OF AGENCY LACKED JURISDICTION TO HEAR CASE ON "REASONABLENESS AND NECESSITY" OF MEDICAL EQUIPMENT

#### PROCEDURAL HISTORY

- 1. Director Nolish issued an Order requiring Defendant to pay for medical equipment.
- 2. Defendant appealed that Order to a Magistrate who reversed the Director's Order on the basis of "lack of jurisdiction."
- 3. Plaintiff then appealed Magistrate Grunewald's decision.
- 4. WDCAC affirms the magistrate's order finding the Director lacked jurisdiction.



#### **FACTS**

- 1. Plaintiff was found to have a complete disability based on his combination of mental and physical limitations and received an open award of full wage loss benefits and "reasonable and necessary medical related to the injury."
- 2. Defendant denied payment of a prescribed NuStep machine. As Defendant was under an Order, sought a determination as to the "reasonableness and necessity" of this exercise equipment.
- 3. Plaintiff's Conservator and Guardian requested a Rule 5 hearing for defendant's noncompliance with the magistrate's order for medical treatment.
- 4. Director Nolish held "a series of virtual conferences," of which **no record was made and no testimony presented**. Only briefs and documents were submitted.



#### FACTS CON'T

- 5. Director Nolish issued an "Opinion and Order of the Director" and reprinted in his order language from plaintiff's brief stating that "injured employees have an automatic right to medical treatment for work related injuries," and that the "statute also places the burden on the employer to dispute and establish that it should not have to pay for such treatment."
- 6. Defendant appealed Director Nolish' Order to Magistrate Grunewald.
- 7. Magistrate Grunewald found that "this issue appears to fall clearly within the authority of a magistrate. The Order was entered without jurisdiction to make such a finding."



#### **ISSUE**

What was the appropriate means to resolve a dispute as to the reasonableness or necessity of a medical recommendation, given the <u>limited</u> scope of what is involved?



#### **DECISION**

- 1. WDCAC found that the obligation to pay medical expenses was based on the statutory prerequisite of "reasonableness and necessity." MCL 418.315(1).
- 2. Defendants did not suggest plaintiff should no longer treat with the doctor that prescribed the machine, instead they only were <u>objecting to a single recommendation</u> of the doctor.
- 3. MCL 418.315(1) discusses the way disputes are to be resolved over medical treatment and ends with "by order of the worker's compensation magistrate."
- 4. Magistrate Grunewald's order is correct that the **Director lacked jurisdiction** and that his order is void as a result.



#### C. DANIELS V FLAT ROCK COMMUNITY SCHOOLS, 2024 ACO #7

• PLAINTIFF HAS A RIGHT TO HOME MODIFICATIONS NECESSARY TO PERMIT A REASONABLE DEGREE OF INDEPENDENCE THAT WILLL "RELIEVE FROM THE EFFECTS OF THE INJURY."

#### PROCEDURAL HISTORY

- 1. Magistrate Grunewald granted open award of wage loss benefits and medical. He also held that defendant's proposal for home modifications was more reasonable than plaintiff's proposal.
- 2. WDCAC affirms in part, reverses in part and remands for further analysis and findings consistent with the law.



#### **FACTS**

- 1. Plaintiff was a bus driver catastrophically injured when ran over by a coworker driving a school bus causing amputation of both legs below the knee.
- 2. Parties stipulated it was a work- related injury and she was totally and permanently disabled. The sole issue at trial focused upon plaintiff's need for home modifications.
- 3. Both parties presented proposals regarding modifications to plaintiff's home and the costs for each.



#### **FACTS**

- 4. Magistrate found the work injury necessitated modifications to her home "for the purpose of making plaintiff more independent, and thereby reducing significantly the need for attendant care services."
- 5. Magistrate found defendants' proposal to be the most reasonable, finding plaintiff's proposal was more than 3x the value of the home. He added the parties might also consider alternatives including a new home in line with the cost projections of the defendant's proposal. The magistrate did not however actually order defendants to do anything regarding the home modifications.



#### **ISSUES**

What is the proper legal standard the magistrate should have used to determine what home modifications are the responsibility of the defendant?



#### **DECISION**

- 1. WDCAC finds there is "not a single reference to **any evidence**, controlling authority, case law or anything to divine the path the magistrate took through the conflicting evidence, the standards he followed, or reasoning he used to reach his conclusion."
- 2. Magistrate wrote "some home modifications would be appropriate, but left unanswered, utilizing proper legal standards, what home modifications were the responsibility of defendant."



#### **DECISION CON'T**

- 3. "While the cost of the modifications may be considered in determining what is reasonable, the statue does not permit the analysis to focus on the value or size of the home being modified. Instead, the focus must remain upon the statutory mandate that the modifications *relieve from the effects of the injury.*"
- 4. Reversed and remanded for facts and analysis under the proper legal standard.



## D. <u>CRISPIN V BARTON MALOW BUILDERS and SAYLOR'S INC, MI Court of Appeals Docket No. 363928</u>, April 11, 2024 (Published)

 EXCLUSIVE REMEDY PROVISION DOES NOT BAR AN EMPLOYEE OF A SUBCONTRACTOR TO BRING NEGLIGENCE ACTION AGAINST ANOTHER SUBCONTRACTOR

#### PROCEDURAL HISTORY

- 1. Trial court granted Defendants' summary disposition arguing that the worker's compensation benefits plaintiff received through the general contractor's wrap-up policy was plaintiff's exclusive remedy.
- 2. Plaintiff argued exclusive remedy provision did not apply because he was an employee of the subcontractor.
- 3. Court of Appeals agrees with plaintiff and reverses trial court stating plaintiff is *free to recover in tort* because he was employed only by a subcontractor.



#### **FACTS**

- 1. Defendant Barton Malow was the general contractor who hired multiple subcontractors to include Defendant's Saylor's and Universal Glass.
- 2. Defendant BM took out an insurance wrap-up policy (an owner-controlled insurance policy) that had them being the primary coverage provider for all people working on the project.
- Plaintiff, a subcontractor working for Universal Glass, was on a lift welding windows on the fourth floor. A large piece of fireproofing material being applied by an employee of a different subcontractor, working directly above him, fell and landed on him.
- 4. Plaintiff brought a negligence action against the other subcontractor.



#### **ISSUES**

Does the exclusive remedy provision of the WDCA, MCL 418.131, bar plaintiff's negligence action against another subcontractor?



#### **DECISION**

- 1. MI Court of Appeals reverses trial court and states Plaintiff is free to recover in tort against defendants because he was **employed only** by Universal Glass.
- 2. COA notes that had plaintiff been injured as a result of his employer's negligence, then recovery against Barton Malow under its wrap-up policy, would be the exclusive remedy.
- 3. Appeal is currently pending in Michigan Supreme Court.



## D. <u>SEARCY V COUNTY OF WAYNE, WAYNE COUNTY SHERIFF'S OFFICE, ESTATE OF BENNY NAPOLEON, MI Court of Appeals, Docket No. 365111, May 30, 2024 (Unpublished)</u>

• CLAIMS BARRED BY GOVERNMENTAL IMMUNITY AND THE EXCLUSIVE REMEDY PROVISION OF WDCA; NO INTENTIONAL TORT

#### PROCEDURAL HISTORY

- 1. Trial court found plaintiff's claims were barred by governmental immunity (the governmental tort liability act); AND
- 2. Barred by the exclusive remedy provision of the WDCA as no intentional tort was established.
- 3. MI Court of Appeals affirms granting summary disposition to all defendants.



#### **FACTS**

- 1. Plaintiff was a deputy sheriff at the Wayne County jail performing the nighttime lockdown procedure. Although jail policy required this to be done by two officers, plaintiff was working alone when an inmate escaped after jamming the mechanical lock with a pencil eraser. The inmate attacked plaintiff, placed him in a chokehold and he died as a result.
- Plaintiff's estate alleged there was significant understaffing leading to him working alone. Also, jail was very old and many of locks and security cameras installed to monitor officer safety were not working properly. Plaintiff's allege that the conditions at the jail caused "continually dangerous conditions." Plaintiff's argued county was liable for the commission of an intentional tort as well as the dangerous conditions being exception to governmental immunity.
- 3. Defendants argued they are governmental agencies, and the operation of a jail is a governmental function thereby giving them governmental immunity.



#### **ISSUES**

Did the trial court err by dismissing the claims against the defendants on the basis of either governmental immunity or intentional tort?



#### **DECISION**

- 1. COA says no. Dismissing the case upon the defense of governmental immunity for all defendants was proper. It provides a "cloak of immunity when protecting a defendant's honest belief and good-faith conduct, while exposing liability to a defendant who act with malicious intent."
- 2. While defendants were aware of understaffing, equipment problems at the jail, and the danger of inmates, the evidence showed the <u>defendants adopted policies for protecting officer safety</u>.

  Defendant's failure to enforce safety protocols does not establish their lack of good faith or malicious intent. Therefore, summary disposition was proper.
- 3. Bar for showing an intentional tort was committed is a high one.
- 4. Case was not appealed to the MI Supreme Court.



IV. STATUS OF PROPOSED WORKERS' COMPENSATION LEGISLATIVE BILLS

A. WHAT MAY BE INTRODUCED...IF AND WHEN

B. ELECTION'S IMPACT



V. CLOSING REMARKS

MARK YOUR CALENDARS - 2025 SPRING CONFERENCE

May 28<sup>th</sup> - May 30<sup>th</sup>, 2025

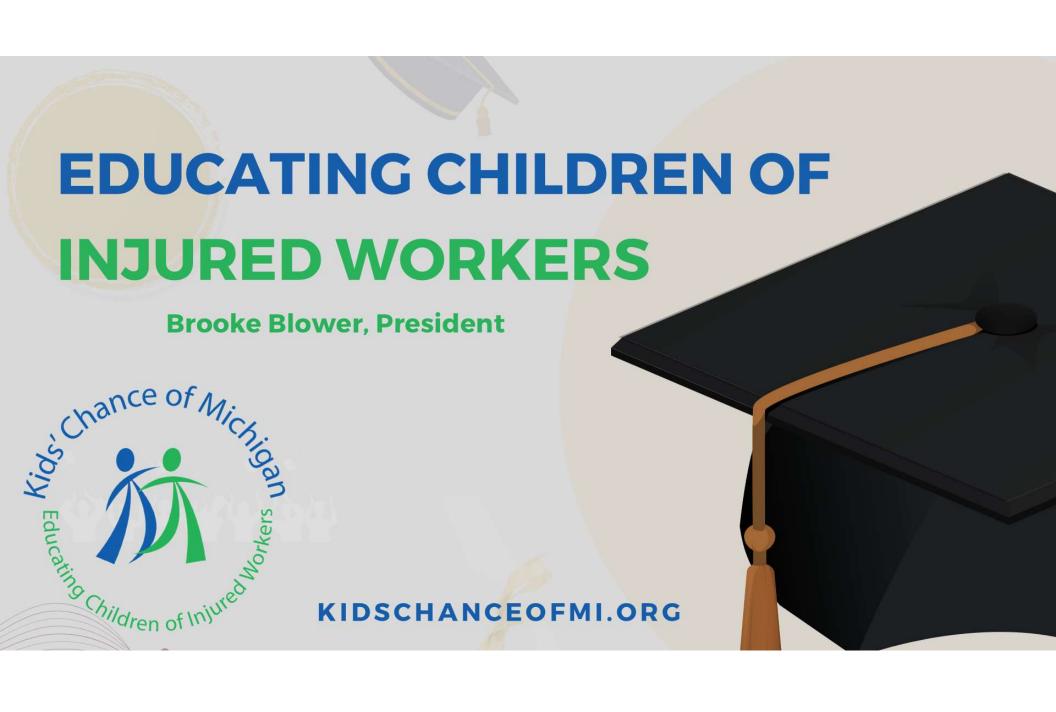
BOYNE MOUNTAIN RESORT, BOYNE, MI











# WE'VE HIRED HELP

THE OPPORTUNITY FOR KIDS' CHANCE OF MICHIGAN
HAS EXPANDED, AND WE'RE THRILLED TO INTRODUCE
OUR FIRST PAID POSITION. WE ARE PROUD TO JOIN
OVER 25 OTHER CHAPTERS IN HIRING A VIRTUAL
ASSISTANT. DANA, OUR ASSISTANT, WORKS FROM HER
HOME IN TEXAS. WE LOOK FORWARD TO
TRANSITIONING ADMINISTRATIVE RESPONSIBILITIES
TO HER, ENABLING OUR BOARD TO CONCENTRATE ON
OUTREACH AND RAISING AWARENESS.



# CONGRATULATIONS TO OUR FALL 2024 RECIPIENTS

0 0 0 0 0

**10 Recipients \$30,000** 

2024 Total: \$68,750







# MURRAY FELDMAN SCHOLARSHIP WINNERS \$5,000

Belma, Michigan State University

I consider myself an extremely lucky individual to receive the benefits of Kids' Chance of Michigan and owe a large part of my success to the scholarship fund for providing me the chance to go to college. However, it is evident that there are hundreds to thousands of other children who hold similar stories to me, yet are unaware that they are eligible for Kids' Chance of Michigan and can receive the financial benefits of the fund. Because of this, I am deeply passionate about providing more outreach on Kids' Chance of Michigan in the aim of reaching as many affected families as possible and providing the gift of partially funded education.



# MURRAY FELDMAN SCHOLARSHIP WINNERS \$2,500

#### Zoey, Ferris State University

I lost my father in 2012 to a tragic work accident. For years I felt like I could not relate to other children as they had never faced the grief I did. From my moment of birth to the day I lost him, I was a daddy's girl: trips to the zoo, copious amounts of candy, "Dad, will you sleep with me? I had a nightmare." I lost my father, my other half, so I assumed, surely, there were some scholarships to compensate for his death. When I found Kids' Chance and read your mission, my breath was taken. I thought, "How can something specifically related to my testimony have a scholarship?" Surely enough, I fit all the application requirements and sent in my application. While my father's life can not be replaced, his life has allowed me to be

# BREAKING NEWS //



NATALIE PETROVSKI

VICE PRESIDENT



AZURELY KERR

ADVISORY COMMITTEE CHAIR

# PLANNING FOR THE FUTURE

When a worker is severely injured or killed on the job, it doesn't just affect them — it affects their entire family.

These injuries can come at any time - when children are grown, and even when they're still quite small.

Thinking about the future is put off, and when the time comes, the cost of higher education can be well out of reach.

We can help you and your child, no matter how old they are.

KIDSCHANCE.ORG/PFF-FOR-FAMILIES



# THANK YOU FOR YOUR CONTINUED SUPPORT

KIDSCHANCEOFMI.ORG





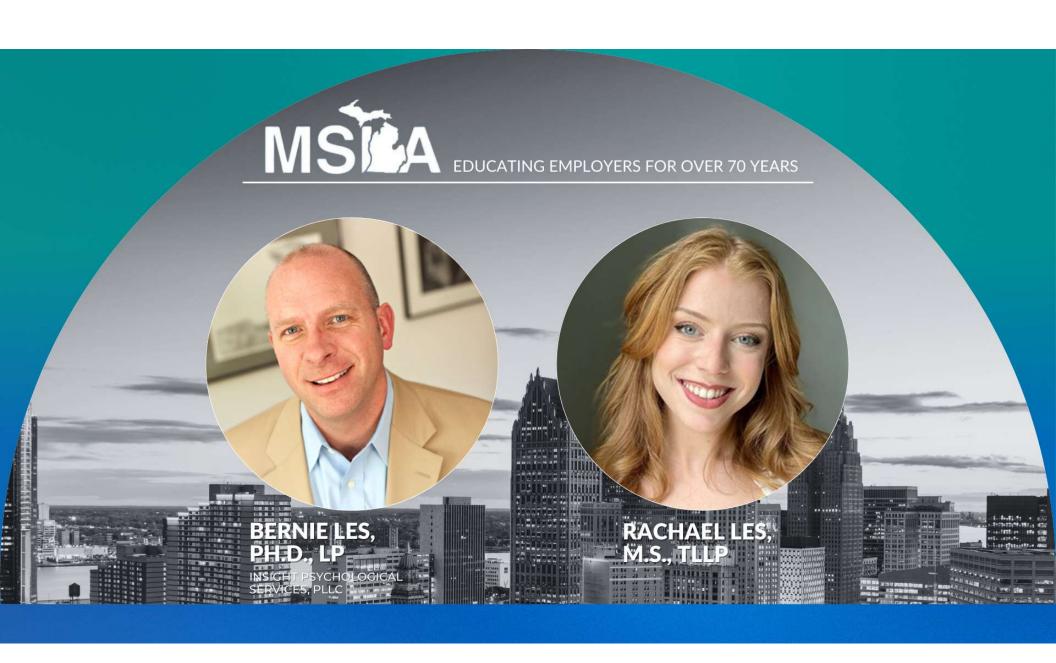






MSIA 2024 FALL CONFERENCE

OCTOBER 3, 2024 | LAUREL MANOR, LIVONIA

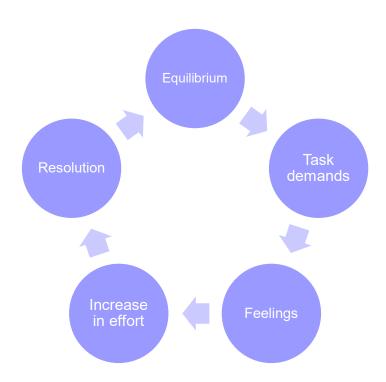


# Mental Health in the Workplace

## Topics to be covered today

- The difference between normal functioning and psychopathology
- Different causes of mental health issues
- Coping strategies to mitigate mental health problems
- Building resilience

# Normal functioning



# Stress vs. Pathology

- Stress
  - ☐ Specific stressor
  - ☐ Engagement with thinking
  - □ Growth Oriented Goals

## Where it becomes unhealthy

- Specific stressor triggers internal problem
- Stress becomes undifferentiated
  - □ Too big and overwhelming
- Person feels small
- Deficit goals
  - □ Escape fantasies
  - □Burnout

#### **Burnout defined**

- WHO
  - ☐ Unmanaged chronic workplace stress
- Blend of several things
  - □Anger
  - □ Discouragement
  - □ Apathy
  - □ Withdrawal

Doing *more* but with less feelings of accomplishment.

#### **Environmental Factors**

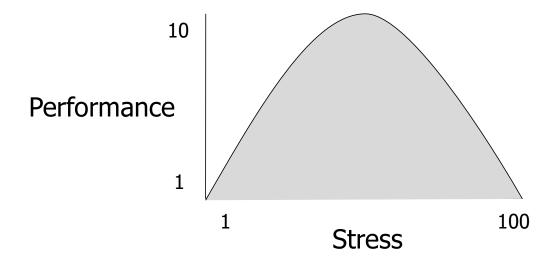
- Too much work and not enough resources
  - ☐ Gradual build up to tipping point
  - ☐ Go from Preparation to Crisis
  - □ Existential downward spiral
- Injustice
  - □ Could be avoided
  - □ Personal agency

#### **Cultural Factors**

- Romanticization of hustle culture
  - □ Balance is belittled
- Money is happiness
- Overall feelings of inadequacy/imposter syndrome

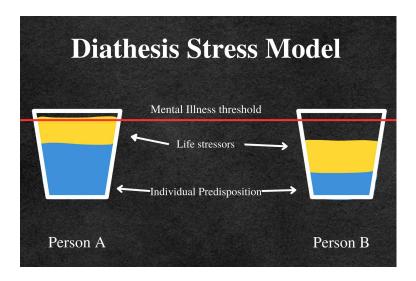


#### Where Burnout Lives



#### Stress-Diathesis Model

- Not entirely the environment
- You have vulnerabilities



#### Internal Vulnerabilities

- Personalization
- Maximization / Minimization
- Overgeneralization
- Escape fantasies
- Low self-efficacy

## Common mental health problems

- Personality Disorders
  - Narcissism
  - □ Sociopathy
  - Borderline
- Anxiety and Mood Disorders
  - Anxiety
  - □ Depression

# Simple Definitions

- Pathology is
  - □ Persistent
  - □ Rigid
  - Maladaptive
  - □ Disproportionate
  - □ Distracting from objective

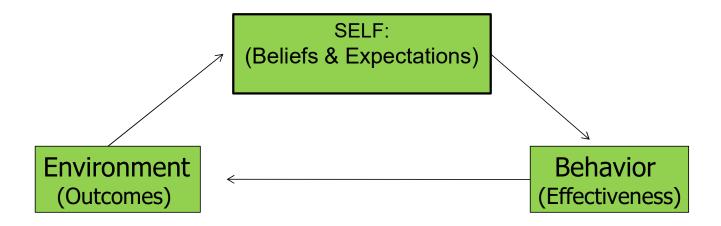
## Interpersonal Vulnerabilities

- Insecure attachments
  - □ Poor working models
  - ☐ Inadequate support system
    - One of the 2 natural anti-anxieties
  - ☐ High conflict

## What happens?

- Stress leads to Anxiety
  - Stress = normal, proportionate response to environmental demands
  - Anxiety
    - □ Negative expectations
    - Bracing posture

# **Existential Downward Spiral**



#### A Note on Trauma

- Some workplace stress could reach the level of traumatic
  - What's at the core of trauma?
  - □ Symptom Parallels
- Intersection between burnout and existing trauma

## Aftermath of Burnout: From a Trauma Perspective

- Shattering of assumptions = loss of equilibrium
  - Assumption of positive outcomes
  - Assumption of order
  - Assumption of worth
- Incomplete stress cycle

#### **Essential Mindsets for Resilience**

- Not unrealistic—you CAN have this
- No one's coming to save you—must matter to YOU
- Willingness to welcome change
  - □ Self-compassion
- Gratitude
- Redefine success/failure to reduce "laziness" guilt

Are you fighting against the current or flowing with it?

#### Coping Strategies to Lessen the Impact of Trauma

#### Cognitive

- □ Redefining burnout & triggers
  - Internal locus of control
  - Meaning
  - Refocusing self-blame
  - Mindfulness

#### Behavioral change

- □ Completing the stress cycle
- □ Restoring Attachment & Belonging
- □ Community & Culture

#### Improving Workplace Environment

- Trauma-Informed Workplace
  - □ Culture
  - Empowerment
  - □ Collaboration
  - □ Community
  - ☐ Humility & responsiveness
  - □ Collective pursuit of meaning

## Two Behavioral Coping Skills That Improve Mental Health

- Attachment
  - □ Reach out to someone and Talk
  - □ Deshame
- Psychological Effectance
  - □ Pick something you have control over and master it
  - Mastery leads to an ability to say "no."

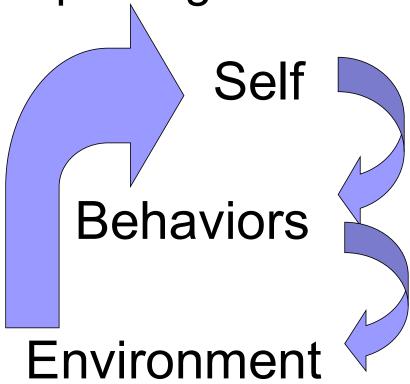
#### More Solutions...

- Adopting a Growth Mindset
  - □ Vs. a Fixed Mindset
- Provide your task with meaning
  - Not always externally given
- Consider a timeline
  - □ Postponement of gratification

### What Makes Healing Durable?

- A healthy narrative about what happened
- Own what you have to own
  - □ Forgive and atone
- Deep engagement in your work (Flow)
  - □ Vs. Reputation management
- Self care
  - NOT ESCAPE

## **Upward Spiraling**



#### MSIA 2024 FALL CONFERENCE

OCTOBER 3, 2024 | LAUREL MANOR, LIVONIA

#### **SPEAKER SURVEY**



BERNIE LES, PH.D., LP INSIGHT PSYCHOLOGICAL



RACHAEL LES, M.S., TLLP



SCAN THIS QR CODE OR GO TO HTTPS://FORMS.GLE/D323MCCOHPCWFXVX8





MSIA 2024 FALL CONFERENCE

## MICHIGAN MADE & EMPLOYEE OWNED SINCE 2001



YOUR PARTNER FOR INJURY PREVENTION AND A SAFE RETURN TO WORK PROGRAM

60 LOCATIONS IN MICHIGAN



# PHYSICAL THERAPY CARVE OUT

As an employer in Michigan, you have the flexibility to choose your service providers. You can choose to separate physical therapy from your occupational health program.





#### WHY CARVE OUT PT?



Physical therapists are not authorized to write referrals. As independent providers, we treat only those patients who are referred to us. By separating physical therapy from your occupational health provider—particularly those who operate their own physical therapy clinics—you will likely see a decrease in overall physical therapy utilization, leading to immediate cost savings.









# WHY CARVE OUT WITH TR?

We have implemented Work Comp Best Practices to promote consistency throughout our clinics. Effective communication plays a crucial role in these practices, nurturing authentic partnerships with our referral sources. Additionally, our therapists receive ongoing continuing education to ensure they are equipped with all the necessary tools to meet the needs of our clients.







## **ADDITIONAL ADVANTAGES**

- Initial evaluations within 48 hours
- Nationally ranked outcomes
- 60 convenient locations
- Dedicated work comp team
- In all major networks

135 CLINICS IN TOTAL MI, IL, IN, WI & GA



#### **EMPLOYER SERVICES**



All of our services are customized to fit the needs of each individual employer and their employees.

- Pre-Employment Testing
- Lift Tests
- Ergonomic Evals
- Job Site Analysis
- Job Description Rewrites
- Near Site Early Intervention

Our on-site early intervention program can reduce recordables and help you save money by taking advantage of our highly skilled therapists for injury screenings.





## REHABILITATION SERVICES

- Physical Therapy
- Occupational Therapy
- Worker Conditioning
- Functional Capacity Evaluations

We help patients return to work with higher improved functionality and fewer visits compared to the national average!



# MAKING THE CHANGE IS SIMPLE!



Reach out to your account manager to update your special instructions or go directly to your occupational health provider and request that all PT goes to TEAM REHAB. And since we are part of all of the major networks, it won't interrupt your billing or authorization process!

**CENTRAL SCHEDULING & AUTHORIZATION** 

WC@TEAM-REHAB.COM



## WANT TO LEARN MORE ABOUT TR?

#### **BROOKE BLOWER**

brooke.blower@team-rehab.com 586.909.4368

#### **HARRISON ENGLISH**

harrison.english@team-rehab.com 248.881.6907

**TEAM-REHAB.COM** 







MSIA 2024 FALL CONFERENCE



#### THANK YOU TO OUR LUNCH SPONSORS!







#### **MSIA 2024 FALL CONFERENCE**



# 

MSIA 2024 FALL CONFERENCE



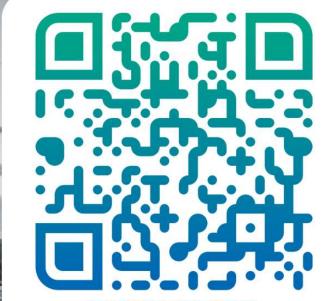




# MSIA 2024 FALL CONFERENCE



## ATTENDEE FEEDBACK SURVEY



SCAN THIS QR CODE OR GO TO HTTPS://FORMS.GLE/4DVMKPIS7YSW1P628



#### MSIA 2024 FALL CONFERENCE

OCTOBER 3, 2024 | LAUREL MANOR, LIVONIA

#### **SPEAKER SURVEY**



SHERIFF MICHAEL BOUCHARD

OAKLAND COUNTY SHERIFF'S OFFICE



SCAN THIS QR CODE OR GO TO HTTPS://FORMS.GLE/D3J2SBU4J9ZR69XN6









# MSIA 2024 FALL CONFERENCE





#### Lansing Landscape: A Legislative and Political Update

Michigan Self-Insurers' Association (MSIA)

October 3, 2024



#### MI Chamber – A Snapshot

- Approximately 5,000 members
  - Every size, industry
  - All 83 counties
- Mission: To help businesses succeed and ensure a stronger Michigan for all









#### **About the MI Chamber and Our Team**



JIM HOLCOMB

President and CEO

517-371-7696
jholcomb@michamber.com



WENDY BLOCK
Sr. Vice President of Business Advocacy
517-371-7678
wblock@michamber.com



MIKE ALAIMO
Dir. of Environmental and
Energy Affairs
517-371-7673
malaimo@michamber.com



BECKY BURTKA

VP of Member Engagement
517-371-7674

bburtka@michamber.com



**LEAH ROBINSON**Dir. of Legislative Affairs
517-371-7669
Irobinson@michamber.com

### What Business Leaders are Saying

#### Economic uncertainty

 Inflation and high interest rates delaying capital decisions

#### Labor

- Skill-based needs
- Availability of workers
- How to meet expectations on wages, benefits, flexibility
- Frustrated and tired of politics, churn in policy
  - Impact on Supreme Court's ruling on Earned Sick Time, minimum wage
  - Regulatory environment is unpredictable and/or unfavorable





#### Michigan at a Crossroads

#### Declining population

- Ranked 49th in growth since 1990
- · Aging citizenry; more deaths than births
- Stubborn public policy problems
  - Job shortages statewide
  - Difficulties attracting new businesses
  - Financial and quality-of-life challenges
- Free enterprise faces a wide range of threats
- Other states are recruiting hard
  - Using tax and regulatory environments to attract away from MI, highlighting recent public policy decisions
  - Not always about incentives





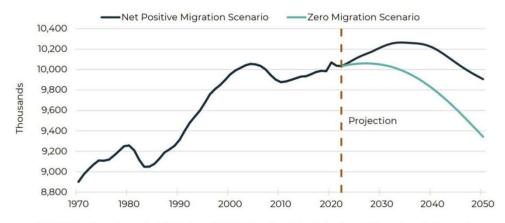
### **Population** – Warning for MI's Future

- MI population could fall by nearly 700,000 by 2050
  - Lose status as 10th largest state
- "Growing Michigan Together Commission" created to develop recommendations to support population growth. Four areas of focus:
  - PreK-12 education
  - Higher Ed
  - Jobs, Talent, and People
  - Infrastructure and Places
- \$10 billion+ in new spending recommendations
  - Goals are laudable but lack specifics or funding mechanisms
  - Need to take issue seriously to secure Michigan's future

#### **Population Projections**

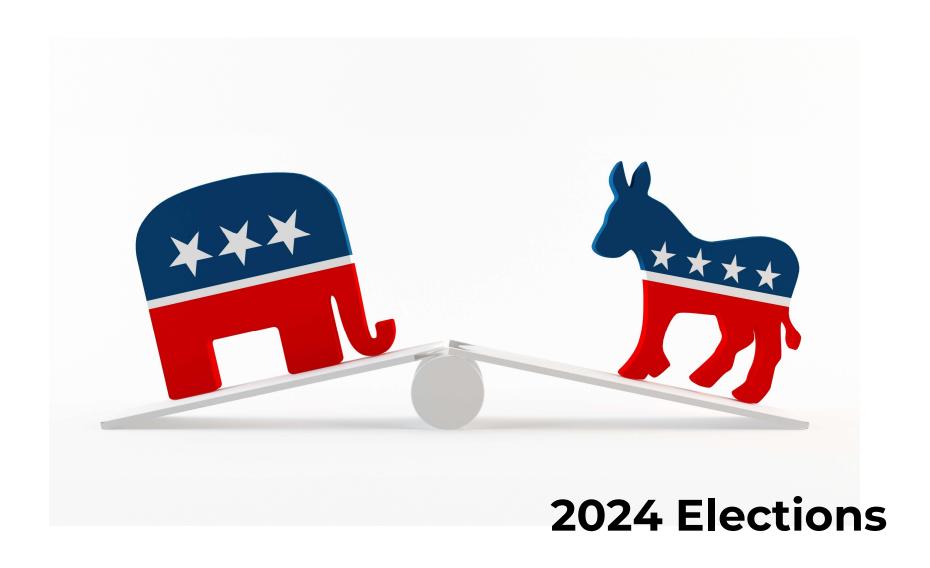
Even with positive migration, Michigan is projected to continue experiencing slow growth and then population decline beginning in the 2030s.

Figure 1: Michigan Total Population, Historical and Projected



Source: WONDER Database, Centers for Disease Control; 2024 Vintage Population Projections, Michigan Center for Data and Analytics; Population Estimates Program, U.S. Census Bureau





#### **2024 Elections**

#### 110 MI House seats

- Fight for majority (who controls the agenda)
- 10 key races (some say as many as 13-15)

#### 6 key pick-up opportunities for Rs:

- HD 58 Macomb: Nate Shannon vs. Ron Robinson
- HD 27 Downriver: Jaime Churches vs. Rhylee Linting
- HD 103 Traverse City: Betsy Coffia vs. Lisa Trombley
- HD 44 Battle Creek: Jim Haadsma vs. Steve Frisbie
- HD 61 Macomb: Denise Mentzer vs. Robert Wojtowicz
- HD 31 Lenawee, Monroe, Wayne Co.: Reggie Miller vs.
   Dale Biniecki

#### 4 pick-up opportunities for Ds:

- HD 46 Jackson: Kathy Schmaltz vs. Dan Mahoney
- HD 55 Oakland Co.: Mark Tisdel vs. Trevis Harrold
- HD 28 Downriver: Jamie Thompson vs. Janise O'Neil Robinson



PROTECT. CONNECT. STRENGTHEN.



#### 2024 Elections

#### 2 MI Supreme Court seats

- Full Term Andrew Fink vs. Kimberly Ann Thomas
- Partial Term Kyra Bolden (incumbent)
   vs. William "Bill" O'Grady

#### 1 U.S. Senate seat

Elissa Slotkin vs. Mike Rogers

#### 13 congressional seats (2 will be hotly contested)

- 7<sup>th</sup> (Barrett vs. Hertel)
- 8th (Junge vs. McDonald Rivet)







### **End of Session and Lame Duck**

- End 2023-24 legislative session drawing near
- Agenda will be determined by outcome of 2024 elections
  - Could be slow end to session
  - Fast and furious end to get a host of priority items accomplished
  - · Something in-between
- MI Chamber focus:
  - Amendments to the Earned Sick Time Act, minimum wage
  - Block and tackle on key bills
    - Workers' Compensation
    - Insurance Bill of Rights
    - More: https://www.michamber.com/keybills/





## **Workers' Compensation**

- Early drafts sought to:
  - Expand the pool of those who qualify for benefits
  - Gut partial disability and work search provisions
  - Revise how pre-existing conditions are treated
  - Increase benefit amounts
    - Weekly wage loss replacement, max weekly rate
  - Rewrite independent contractor classifications
  - Gut rebuttable presumption to create new avenues for litigation running parallel to WC





## **Workers' Compensation**

- Priority for MI Association of Justice, labor unions
- Working on scaled back bill:
  - Redefine "disability" to gut partial disability
    - Totally disabled if can't return to job before or at time of injury
  - Remove work search requirements, reduction in benefits if fail to accept
  - Increase benefit amounts
  - Increase death benefits
  - More
- Could become a lame duck issue





## **Board of Magistrates**

- 14-member body
- Hear disputes under the WDCA
- Appointed by the Governor
- Advice and consent of Senate
- Four-year terms
- Oualifications:
  - Member in good standing with the State Bar
  - Licensed to practice in court for 5+ years
- Chairperson, who serves at the pleasure of the Governor, supervises Magistrates, schedules work





## **Appointments – Board of Magistrates**

- Qualifications Advisory Committee, which interviewed candidates for Appellate Commission and Magistrates, abolished by 2011 reforms
  - Rubber stamp
  - Not effective
- "Gentleman's agreement" was working
- Political dynamics have changed, shifting how these appointments occur
  - Fewer and fewer "employer picks"

#### **MAGISTRATES' TERM DATES**

#### Sorted by Name

Magistrate's Name	Appointed	Term Expires
Baisel, Marvin	12/13/2021	01/26/27
Cantor, Michael	9/11/2023	01/26/27
Castora, Keith	01/26/13	01/26/25
Della Santina, Philip	01/26/19	01/26/27
Ehrlich, Richard	01/26/21	01/26/25
Heck, Michael	01/26/19	01/26/27
Housefield, J. William	01/26/17	01/26/25
Kales, Kevin	01/26/21	01/26/25
Segel, Lenny	01/26/21	01/26/25
Slater, Chris	01/31/11	01/26/27
Smith, James W.	01/27/23	01/26/27
Watkinson, Jr., William W.	01/27/23	01/26/27
Williams, David	01/26/13	01/26/25
Woons, Lisa	01/26/13	01/26/25



## Insurance "Bill of Rights"

- Priority for MI Association of Justice
- Senate Bill 329, House Bill 4681
- Requires insurers to act in "good faith" and "fairly and reasonably" when dealing with claims
  - Applies to <u>all lines</u> including workers' comp
  - Lacks key definitions of "good faith" and "fair dealing"
- New restrictions on the way insurers (employers) investigate, evaluate and pay claims





## Insurance "Bill of Rights"

- Pay claims first, ask questions later
  - Shall "give all reasonable benefit of the doubt to the claimant in the investigation and evaluation of a claim"
  - "An ambiguity in an insurance contract or policy must be construed in favor of the insured"
- Insurers are subject to punitive damages under the bill, claimant's legal expenses
- Also liable for damages owing to "emotional distress, humiliation, and anxiety experienced and reasonably likely to be experienced in the future"
  - No caps on these damages

#### **Coalition:**

https://www.donttouchmirates.com/





## Paid Leave, Minimum Wage Decision

- Michigan Supreme Court decision Mothering Justice v. Attorney General – puts into law two 2018 ballot proposals
- Were hopeful Court would put politics aside and focus on the text in the Michigan Constitution... but they didn't
- Impact will be deep and felt by job providers and workers alike





## **Need to Know - Paid Leave**

- No exemptions large and small employers, full- and part-time, seasonal
- Accrual 1 hour for 30 hours worked, 72 hours/year
  - Fewer than 10 employees 40 hours paid, 32 hours unpaid
- Forces employers to rethink PTO bank approach, time off policies
- No **notification** "as soon as practicable"
- Increments and use of time, carryover of time
- Limits documentation (employer pays)
- Litigation nightmare rebuttable presumption and private right of action
- Fines and fees





## **Need to Know – Minimum Wage**

**Effective Feb. 21, 2025**, minimum wage increases from \$10.33/hour to:

NEW YEAR	NEW MIN. WAGE	TIPPED MINIMUM WAGE
2025	\$12.48	48%
2026	\$13.29	60%
2027	\$14.16	70%
2028	\$14.97	80%
2029	Automatic increases based on rate of inflation (CPI-W)	90%
2030	Inflation	100%





## **Legislative Efforts**

- Building a broad coalition (traditional and nontraditional partners)
- Meetings with legislators.
  - Educating and asking for help
- Political realities





## The MI Supreme Court's Decision on Mandatory Paid Sick Leave

Top Things Lawmakers Need to Know About the Impact of the Supreme Court's Decision on Paid Leave

#### DISRUPTIVE AND BAD FOR EMPLOYEES

The Earned Sick Time Act will force employers of all sizes and types to rethink their existing paid leave policies. Because the Act micromanages things like notification and increments that time can be used and adds avenues for costly litigation against businesses for compliance mistakes, most employers will move to separate sick time from other paid time off (PTO) banks -- even though most employees prefer a combined bank.

 Our Ask: Exempt employers with paid leave policies that meet or exceed the number of hours required under the act, including all forms of paid leave.

#### NO EXEMPTIONS

Sick leave must be expanded to all employees (full-time, part-time, seasonal, temporary workers, independent contractors, subcontractors); all employers with one or more employees must comply. Very few states have laws as extensive as Michigan.

 Our Ask: Add a small employer exemption or expand the current small employer threshold. Apply Earned Sick Time Act to full- and part-time employees averaging 20 or more hours per week; exempt seasonal, temporary workers, independent contractors, and subcontractors. There's good precedent and logic to exempting employers with fewer than 50 employees (federal Family Medical Leave Act [FMLA]).

#### NO NOTIFICATION

The Act only requires employees to submit leave time notifications "as soon as practicable." In practice, this will provide employees 72 hours of no-notice, intermittent leave time each calendar year and could very well exacerbate staffing shortages. No other state has a similar no-notice, ghosting provision.

 Our Ask: Each business is different in terms of its needs. At the very least, time should be limited to use in four-hour/half-day increments; notification should be required prior to the start of a shift, unless the employee is incapacitated.



#### LITIGATION NIGHTMARE

The Act allows employees to sue businesses and automatically assumes the employee's side for unfavorable personnel actions (via a rebuttable presumption), putting employers in the position of having to defend their HR decisions in court. No other state has a rebuttable presumption, creating a disincentive to hiring and entrepreneurship in Michigan

 Our Ask: Remove the language allowing for a private right of action and rebuttable presumption. Enforcement and penalties should be handled by the State.

#### NO FRONTLOADING

The Act doesn't allow employers to frontload employees' time off at the beginning of the year. It must accrue.

 Our Ask: Allow employers to frontload time off to avoid keeping complicated accruals and to allow the employee to have maximum flexibility.

#### ESTA – Five Key Changes:

- **Exempt plans** that meet or exceed the mandated 72 hours.
- Exempt small businesses and certain workers (part-time workers, seasonal employees, other workers).
- Require time to be used in full-/half-day increments and allow employers to require advanced notice.
- Eliminate private right of action and rebuttable presumption.
- Allow employers to **frontload** 72 hours at the start of the year.



CHAMBER PROTECT. CONNECT. STRENGTHEN.

## **Coalition Members**

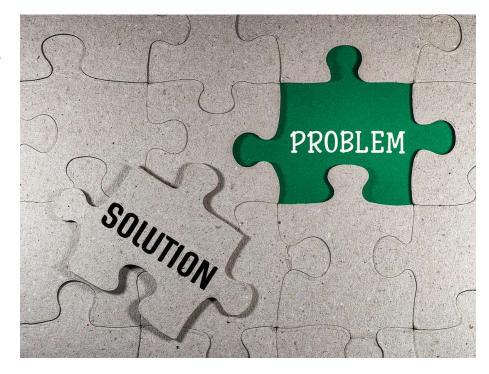




## **How You Can Help**

- Business leaders <u>MUST</u> engage

  - Help lawmakers understand why the ruling is problematic
    Come together to find a commonsense solution in 2024
- Contact your lawmaker's office:
  - State Rep: <u>www.house.mi.gov/</u>
  - Senator: senate.michigan.gov/findyoursenator/
  - Sample talking points: <u>bit.ly/3Te1CYC</u>
- Send an action alert via email:
  - Paid leave <u>bit.ly/fixpaidleave</u>
  - Minimum wage <u>bit.ly/fixminimumwage</u>





### **Your Voice, Your Power**

- On all issues, business leaders must make their voice heard or be prepared to suffer the consequences
- Representative democracy is not a spectator sport – active citizens make a difference
  - Legislators are your elected officials; they work for you
- Don't have to be an expert call, email, visit











WENDY BLOCK

SVP of Business Advocacy
517-371-7678

wblock@michamber.com

#### MSIA 2024 FALL CONFERENCE

OCTOBER 3, 2024 | LAUREL MANOR, LIVONIA

#### **SPEAKER SURVEY**

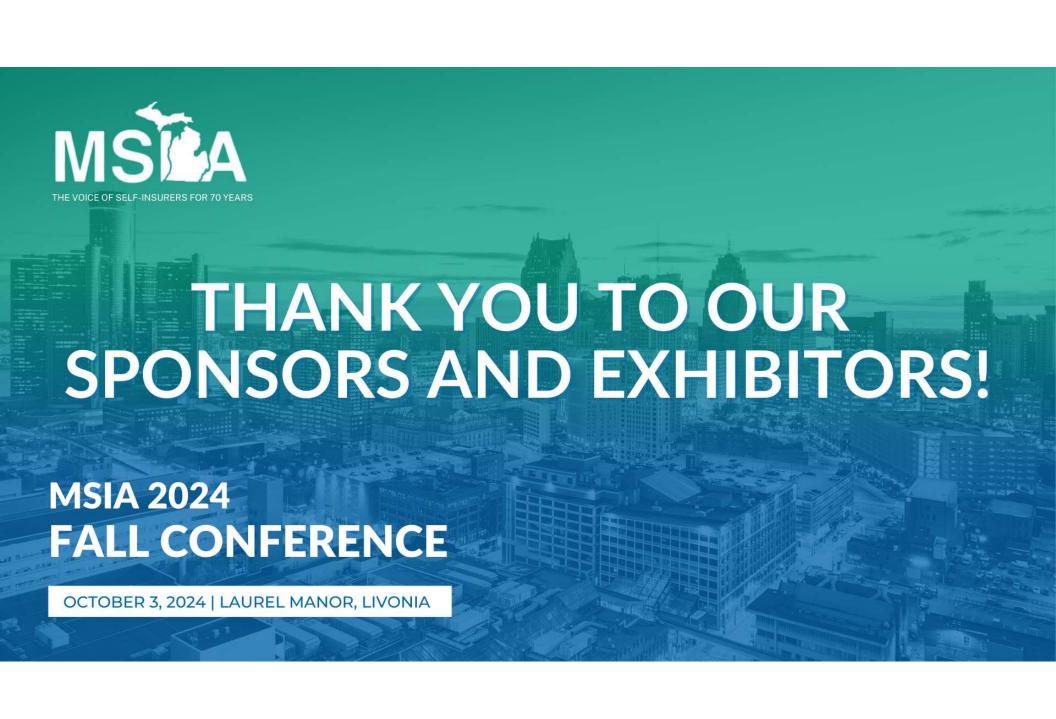


WENDY BLOCK
ESR. VICE PRESIDENT OF
BUSINESS ADVOCACY & MEMBER
ENGAGEMENT

MICHIGAN CHAMBER OF COMMERCE



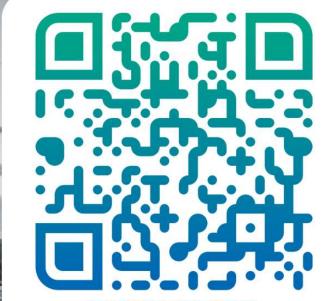
SCAN THIS QR CODE OR GO TO HTTPS://FORMS.GLE/JX2B5ZRJGGXIKFOD8







## ATTENDEE FEEDBACK SURVEY



SCAN THIS QR CODE OR GO TO HTTPS://FORMS.GLE/4DVMKPIS7YSW1P628

# JOIN US AFTER THE CONFERENCE FOR A RECEPTION AT CANTORO TRATTORIA!

FOOD PROVIDED BY TEAM REHABILITATION AND ENTECH MEDICAL STAFFING; CASH BAR AVAILABLE. SPACE LIMITED







# THANK YOU!

MSIA 2024 FALL CONFERENCE

OCTOBER 3, 2024 | LAUREL MANOR, LIVONIA