



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING
April 26, 2018

Members Present:

Sheral Kellar
Charles Davoli
Michael Morris
Marc Zimmermann, Ph.D.
Maria Losavio
"Bray" Williams
Edwin Murray
Jerry Jones, PT
Julie Cherry
Shannon Lindsey [Late]
Alejandro Perkins [Late]

Members Absent:

Shannon Dartez
Jennifer Marusak
Arielle Collins, Pharm.D.
Mark Kruse, D.C.
Pierce Nunley, MD

MINUTES

I. WELCOME start at 9:40am

II. MINUTES

- a. March
 1. Julie Cherry motion to accept
 2. Edwin Murray second
 3. All in favor

Agenda taken out of order

IV. GIG EMPLOYMENT

- a. Charles Davoli
 1. Handout of 4 articles
 2. started with Uber, Lyft, Waitr (drivers)
 3. Classification of manual labor for independent contractors
 4. "opt out" in Oklahoma, TX (give up exclusivity)
 5. "Partable benefits" = employee opt out
 6. Slippery slope for alternative arrangement
- b. **Sheral Kellar:** 7-8 states classify gig employees as independent contractors
- c. Bill in TN
 1. Legislation in Iowa
 2. Marketplace contractor & marketplace platform
 3. Factors:

- Doesn't determine hours/times to work
 - Doesn't prohibit from other platform use
 - Doesn't require specific tools/supplies
 - No on-site supervision
4. Aren't subject to federal wage/hour law
- d. **Sheral Kellar:**
 - e. **Julie Cherry:** growth in misclassification
 - f. **Maria Losavio:** council needs to be proactive
 - g. **Michael Morris:** Construction law
 1. Subcontractor
 2. Principal
 - h. **Sheral Kellar:** subcommittee in regards to potential legislation
 1. Charles Davoli & Michael Morris
 - Add OWCA Darrick Lee & Pauline Williams

III. LEGISLATION

- a. HB828 BY Rep. Bagley
 1. Kevin Cunningham wasn't able to present
 2. Electronic notice of WC law
 3. Not moving bill this session
 4. **Marc Zimmermann:** What about those who don't have electronic communication?
 5. **Michael Morris:** employer provided email address?
 6. **Alejandro Perkins:** why "either or"?
 7. **Charles Davoli:** WC rights aren't advised to some
 8. **Julie Cherry:** opt-in provision?
 - **Alejandro Perkins:** direct deposit example
 - **Maria Losavio:** impoverished; federal laws
 - **Edwin Murray:** issues with broadband in certain parts of the state
 - **Shannon Lindsey:** other statutes have certified mailing requirements. Let employee decide
 9. **Sheral Kellar:** included in WC laws in 1007 mail out
 - **Shannon Lindsey:** is relevant and needed; no 1007 if not reported
 10. **Sheral Kellar:** UI bills requiring electronic notice
 - **Shana Veade, esq. {audience}-** with House representatives; _____
 11. Subcommittee on Electronic Notice: Kevin Cunningham, Maria Losavio, and Julie Cherry
- b. **SB536
 1. Added by motion of Charles Davoli & seconded by Julie Cherry
 2. Presented by Trey Mustian, esq.
 3. SMO & Voc. Rehab
 - Reinstate law from before 2013
 4. Bill limit 1002 process to 4 or 5 issues
 5. No duplicate trials on same issue
 6. **Sheral Kellar:** current status of bill

- **Charles Davoli:** didn't support current law; issue was non-reimbursed wage loss during length of time
- **Maria Losavio:**
- **Alejandro Perkins:**
- **Shannon Lindsey:** Paragraph B
 - **Trey Mustian, esq.:** file a motion; "positive law"
 - **Shannon Lindsey:**
 - **Trey Mustian, esq.:** 1314
 - **Michael Morris:** ability to controvert

7. Report favorably 8-2

c. HB 451 by Rep. Pierre

1. Insurer need LA claims office & WC licensed adjuster in LA.

- **Michael Morris:** not involved
- **Marc Zimmermann:** does it need to say LA license?
- **Julie Cherry:** legislature doesn't like

2. **Shana Veade** {audience}: Senate committee on Insurance

- **Sheral Kellar:** deferred
- **Warren Byrd** {audience}: no comment

3. 9 yays and 1 abstained

d. HB 790 by Rep. Connick

1. Permanent hearing loss

- Set for tomorrow, April 27th
- *Arrant v. Graphic Packaging International, Inc.* decision

2. **Charles Davoli:** medical condition

- **Bray Williams:** audiograms
- **Sheral Kellar:** not one traumatic incident
 - Retired employees were plaintiffs
 - No audiograms
- **Bray Williams:** SEB type claim; 3rd circuit case
 - Charles Davoli: 1223

3. Report favorably 7-2 (1 abstained)

e. HB 257 by Rep. Gaines

1. After meeting, Michael Morris and Trey Mustian, esq. will talk

2. Attempt 15 day delay

3. Still waiting on compromise

IV. OTHER BUSINESS

a. Workers' Memorial Programs

1. Baton Rouge program for 95 fallen workers

2. Gonzales

3. Julie Cherry- Baton Rouge adopted OSHA regulation for city

V. PUBLIC COMMENT

- a. SB400
 - 1.OWCA fund stays statutory dedication
 - 2.Deferred yesterday on Senate floor
 - Senator Hewitt wants amendment to put back as fees
- b. **Pauline Williams, OWCA** {audience}: update on credit card capabilities
 - 1.LA Interactive is company
 - 2.Receive payments electronically
 - OWCA assessment issued late June/early July
 - 3.Credit card and ACH payments
 - 4.Goal to accept all monies (i.e. records requests & hearings)
- c. NOI public hearing
- d. **Michelle Sorrells, esq.** {audience}: Kids Chance Scholarship
 - 1.Ways to get scholarship
 - 2.National group (40 states)
 - 3.6,000 scholarships totaling \$18 million
 - 4.Run through Bar Foundation
 - Gave 200 scholarships
 - Fall 2018 gave 15 scholarships totaling \$50,500
 - 5.Annual event is May 11th
 - Has collected \$30,098 from Bar Foundation since 2011
 - \$25 at door
- e. WCAC members: review free civil law training
- f. Introduce Michelle Snowden- Assistant Secretary of Information Systems
- g. No public comment

VI. NEXT MEETING DATE

- a. May 24th
 - 1. LaSalle Building

VII. ADJOURNMENT at

- a. Marc Zimmermann- Motioned
- b. Michael Morris/Maria Losavio- Second