

STATE OF NEW MEXICO
ADVISORY COUNCIL ON WORKERS' COMPENSATION
AND OCCUPATIONAL DISEASE DISABLEMENT

****MINUTES****

MEETING DATE: December 8, 2022, at 2 p.m.
Main office, 2410 Centre SE, Albuquerque, NM 87106

Members Present: Darrell Deaguero , Courtenay Eichorst, Buffy Johnson, Sara Ranney,
Lillian Santillanes
Absent: Marni Goodrich
Director Robert Doucette, as ex-officio.

1. Call to Order and Introductions: 2:02 p.m.
2. Approval of agenda: Courtenay Eichorst moved to approve the agenda, seconded by Darrell Deaguero. Agenda unanimously approved.
3. Approval of minutes: Courtenay Eichorst moved to approve the August 4 minutes, seconded by Buffy Johnson. Minutes unanimously approved.
4. Status of Agency report:
Director Robert Doucette reported there had been several promotions at the agency. Heather Jordan was promoted to Court and Programs Administrator and Trey Flynt to Field Programs manager. There is currently a nine percent vacancy rate at the agency. The Office of Superintendent of Insurance approved a 10.7 percent rate decrease on premiums, as recommended by NCCI, and with WCA input. There are two vacant judge positions at the agency. Tony Couture resigned as a WCA judge to return to nursing, so the WCA must fill that position. A newly created second position is open in Las Cruces. The first applicant for both positions have been received. The position posting closes January 13, 2023. Judge Bayless is up for reappointment April 2023. The director reported that the agency will submit two legislative proposals for the upcoming session: one, to remove the Farm and Ranch exemption from the statutes, and two, to increase penalty fines for non-compliant employers from \$1,000 to \$5,000. Lillian Santillanes asked how many judges there were currently. There are five, each with about 11 percent of their workload in indemnity cases. There is extra work for the agency coming from the oil and gas industry in southeastern New Mexico, with additional crossover from west Texas. Those are just some of the reasons for locating a judge in Las Cruces. Judge appointments start with a one-year appointment, followed by a five-year reappointment if favorably evaluated.
5. Advisory Council Chair Report:
Courtenay Eichorst noted that there was a great deal of construction, and that it was hard to fill vacant spots in the building trades. From Los Alamos to Sandia Labs, more than 5,000 workers are needed over the next two years. Sandia has asked for referrals to double the work there. Eichorst said that the next few years look to be challenging, as there aren't enough workers to fill vacant positions. Darrell Deaguero

echoed Eichhorst's statements. Sara Ranney noted that the Albuquerque Fire and Rescue departments are seeing far fewer applicants for job vacancies. It is a changing market. Eichhorst noted that there were 88 apprentices in 2014 and there are 350 now. Director Doucette reported that despite both the WCA and the Department of Workforce Solutions NOT including a fund transfer from the former to the latter, the Legislative Finance Committee (LFC) again included \$1 million from the Workers' Compensation Fund to be transferred to the Department of Workforce Solutions for the upcoming year's budget. Within the next few years, the WCA will likely see a situation where expenditures exceed revenues. The LFC will either have to give the WCA Fund money from the General Fund or increase the workers' compensation fee. Otherwise, the agency will operate at a deficit.

Eichhorst said Las Cruces deserves to have a workers' compensation judge. He noted that several members of the council would be happy to speak to the LFC about the financial situation.

Marni Goodrich, Sara Ranney and Courtenay Eichhorst will continue to work on the council's legislative committee on legislative initiatives.

Director Doucette informed the Council that Robert Scott, worker's attorney, said he plans to propose legislation to increase in attorney fees, but he was looking for a bill sponsor.

6. The Advisory Council's draft version of its annual report had been reviewed by members. Darrell Deaguero moved that the report be approved as is. Sara Ranney seconded the motion, which was approved by council members.

7. Public Comment:

Courtenay Eichhorst acknowledged the death of George "Jeep" Gilliland, who was a representative on the WCA's IME Committee and a long-time advocate for labor in the state. He made a motion to replace Gilliland on the committee, to be taken up at the Council's next meeting.

Merilee Dannemann spoke about the property tax reduction given to workers. It is unknown who might qualify for the tax benefit. She is trying to get the word out. She has spoken about it at the Plaintiff's Bar, the Workers' Compensation Association, at their winter seminar. She has shared the information with the incoming assessor for Bernalillo County and will help distribute the information to other New Mexico county assessors. The Property Tax Division has a form that puts a value freeze on the taxes for injured workers receiving permanent total disability benefits.

8. Next meeting:

The next meeting will take place in Santa Fe at 2 p.m, Thursday, February 16. The meeting place will be determined and announced at a later date.

9. The meeting adjourned at 2:34 p.m., on a motion from Courtenay Eichhorst, seconded by Buffy Johnson, and approved by all members.