

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

MEETING DATE: August 4, 2022, at 2 p.m.
Main office, 2410 Centre SE, Albuquerque, NM 87106

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

1. Call to Order and Introductions: 2:06 p.m.
2. Approval of agenda: Agenda unanimously approved.
3. Approval of minutes: Marni Goodrich made a motion to approve the minutes from May 3 2022, seconded by Buffy Johnson. Minutes unanimously approved.
4. Chair Eichorst called for the adoption of the Open Meetings Resolution. Buffy Johnson moved to approve, seconded by Lillian Santillanes. All members approved.
5. Status of Agency report:
Director Robert Doucette reported that in instructions for the budget, he has asked for one additional fulltime employee, for an ombudsman position in the WCA's Santa Fe office. He does not plan to ask for \$1 million to transfer to Department of Workforce Solutions (DWS).
Chief Judge Shanon Riley has been reappointed to a five-year term. Judge Riley has been with the WCA for 11 years as a judge. Three other judges are up for reappointment next year.
The director met with the superintendent and deputy superintendent of the Office of Superintendent of Insurance. Superintendent of Insurance Russell Toal will allow the WCA Director to sit on the committee that sets insurance rates, so he can provide input on workers' compensation insurance rates.
The agency has 122 fulltime employees and currently there are 19 vacancies. The application pool has been deeper and stronger.
The process for rule changes is underway. The agency had not looked at rule changes in several years. There have been two informal meetings with the public on the proposed changes. Comments have come back to the agency from both business and employee sides.
The agency has quite a few pro se workers and some are Spanish speaking. The agency is working on translating all pro se forms to Spanish. The goal is to also help pro se workers as much as possible without giving legal advice.
Member Buffy Johnson asked if Spanish is the only language information will be translated to. The director said the focus is on Spanish because 51% of the state's population is Spanish.
Johnson asked where the director stood on rate setting. He said it is hard to say without seeing the NCCI recommendations. Once he sees the data, he would have a recommendation, but noted that he is not an actuary.

Chair Eichorst thanked the director for the report. He said he thought that since DWS has had some turnover in personnel, that will be helpful in ending the annual million dollar fund sweep of WCA funds.

6. Advisory Council Chair Report:

Chair Eichorst noted that there had been recent turnover on the council. He thanked the WCA Public Information Officer for her assistance with the council. Eichorst noted that his union workers were busy with a great wave of construction with places like Netflix, hospitals, etc. He noted he had been proud to serve as council chair and he had learned a lot from prior members Kevin McGinley and James Magoffee. He is ready to step down as chair. He had spoken to Darrell Deaguero and Sara Ranney, who had been unable to attend this meeting. Ranney was on call as Albuquerque Fire Department Lieutenant for that day. For construction labor, there are a lot of 18- and 19-year-olds in training, so the future there is good. Labor needs to do a better job with outreach and training, and a big effort is underway in the state.

Attendee Merilee Danneman wondered if outreach had been down to Corrections for youth trainees for construction. Eichorst said yes, but it depends on the project. For the national labs, for example, it can be harder for laborers to pass a security check. They are hitting high schools harder. The shop class in Albuquerque public high schools was eliminated several years ago, which hurt the possible training pipeline. His union has a another grant going though that may help, but it is not approved yet. Lillian Santillanes said the Las Cruces public schools have a similar training program. Nominations for the positions of chair and vice-chair of the Advisory Council were made.

For the new council chair and co-chair positions, Courtenay Eichorst nominated Lillian Santillanes, representing business, for chair, and Darrell Deaguero as second chair. Buffy Johnson seconded. Santillanes accepted the nomination for chair, which was unanimously approved. Lillian Santillanes nominated Darrell Deaguero as vice-chair, seconded by Marni Goodrich. Deaguero had accepted via prior discussion with Eichorst. The nomination for vice-chair was unanimously approved. Sara Ranney expressed a desire to continue to serve on the legislative committee. Eichorst also wants to continue to serve on the legislative committee. Eichorst said that both business and labor members do a good job of working together toward goals. Ranney has some ideas for legislation on first responders. Marni Goodrich also wants to be involved on the legislative committee.

7. Public comment:

Merilee Danneman had some recommendations she sent to the council that she recommended they think about. Her letter was also sent to all legislators unless they were not running this year. The document was called "How to Save Workers' Compensation."

8. Next meeting:

The next meeting is set for 2 p.m, Thursday, December 8 at the main WCA office.

9. The meeting adjourned at 2:45 p.m., on a motion from Lillian Santillanes, seconded by Buffy Johnson, and approved by all members.