

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

MEETING DATE: September 5, 2024
WCA headquarters, 2410 Centre Ave. SE, 87106

Members Present: Darrell Deaguero, Marni Goodrich, Buffy Jackson, Sara Ranney, Annie Scoggin and Director Robert Doucette, as ex-officio.

Members Absent: Courtenay Eichhorst

1. Call to Order and Introductions: 2:36 p.m. Chair Goodrich asked all present at the meeting to introduce themselves. Of note is the Council's newest member, Annie Scoggin, owner/president of Scoggin Mechanical Industries, Inc., who represents business.
2. Approval of agenda: Sara Ranney made a motion to approve the agenda, seconded by Darrell Deaguero. Agenda approved.
3. Approval of minutes: Darrell Deaguero made a motion to approve the minutes from the July 11, 2024, meeting, seconded by Buffy Jackson. Minutes approved.
4. Director's Status of Agency report:
Robert Doucette informed the Council that the WCA was working on its 2024 Annual Report. He then called upon key new WCA staff to introduce themselves. These included David Mora, Operations Administrator, Isabella Pacheco, who transferred from the WCA's Mediation Bureau to become the Enforcement Bureau Chief, and Monica Saiz, the WCA's new Medical Cost Containment Bureau Chief. Doucette then informed the Council that the WCA has 123 FTEs (full-time employees) with a current vacancy rate of 12 percent, and said the agency plans to maintain about a 10 percent vacancy rate to save on staff salaries. He told the Council the agency will have to ask for a BAR (budget adjustment request) because he expects the agency to be about \$70,000 short by the end of the year.
Doucette reported that the WCA will give a budget presentation to the Legislative Finance Committee on September 16 and invited the chair and vice chair of the Council to attend. He told the Council that the agency is at the point where it will no longer have money. He stressed that the WCA will always pay its employees. Ranney asked Doucette to explain how the agency is funded for the benefit of new member Scoggin. Doucette explained that the WCA is funded through fees assessed on businesses and employers and that through that structure, two separate funds are collected: the WCA's operating fund and that of the Uninsured Employer Fund. Doucette explained the UEF to Scoggin.
Doucette told the Council that with regard to staff salary reviews, the agency's attorneys and IT staff would be reviewed next.
Scoggin asked if more injured workers were paid benefits from the UEF. Doucette differed to General Counsel Mike Holt, who said that there doesn't seem to be an uptick in benefits paid out, then also answered "no" to Scoggin's follow-up question, which was to ask if out-of-state employers were problematic for workers' comp. Doucette recognized WCA Economist Charles Cordova and AC Vice Chair Sara

Ranney who will both be receiving awards from the IAIABC at its annual meeting in late September.

Goodrich asked Doucette if he could report on the August legislative committee presentation. Doucette said that the WCA was asked to present on workers' comp, what it is, who the WCA is and who it serves. He said that GC Holt and Rep. Pamela Herndon reported on the attorney fee cap task force, which was followed by a three-hour panel discussion. Goodrich, who attended the meeting, commended Doucette and Holt on the presentation.

5. Legislative Subcommittee Update
Goodrich reported that the Council plans to send its brochure to members of the New Mexico Legislature so that they might learn more about the workers compensation system and about the Council.
Scoggin asked about the status of the farm/ranch with respect to workers' compensation, to which Doucette explained that there was a (2016) Supreme Court ruling which declared that a previous exception excluding agricultural laborers from coverage was unconstitutional, but that the statute book has not been updated to reflect that change in the law. To that end, the WCA plans to seek a legislative change that would strip the exclusion from the statute to be consistent with the Supreme Court ruling.
6. Public Comment
Merilee Dannemann sent in written comment to members of the Council, which has been made part of this meeting record.
7. Next Meeting
The next Advisory Council meeting will be at 2:30 p.m., Thursday, November 7, 2024, at the WCA in Albuquerque.
8. Adjourn
Jackson made a motion to adjourn the meeting, seconded by Deaguero. The meeting was adjourned at 3:29 p.m.