

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

****MINUTES****

MEETING DATE: May 3, 2022 at 2 p.m.
Virtual via Zoom

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

1. Call to Order and Introductions: 2:06 p.m. Chair Eichorst introduced the new council member, Buffy Johnson, who is representing business.
2. Approval of agenda: Darrell Deaguero made a motion to approve, seconded by Marni Goodrich. Agenda approved.
3. Approval of minutes: Darrell Deaguero made a motion to approve the minutes from February 10 2022, seconded by Marni Goodrich. Minutes approved.
4. Status of Agency report:
Director Robert Doucette said the agency and all its field offices are open to the public. The majority of staff is working in the office, with a few exceptions. The WCA is ahead of other state agencies in this regard. A press release will soon go out announcing that the agency's court system will be open in June. Enforcement hearings and trials will again take place in person. It has been roughly two years since there has been an in-person trial. It has been a few months since the last positive COVID-19 test at the agency. Due diligence is being taken to ensure the building is safe from virus transmission. It is important for people to know the agency is open to conduct business.
The agency is working on updating its internal policies, which haven't been changed for a number of years. The agency has worked with the CWA union representative with the changes, and meets with the union again on May 18 to iron out any differences.
The agency's rules have not been updated for years, so the process is in progress to update areas that may need to be revisited. Internal staff and GC have looked at the rules and made suggestions, which have been sent out to all stakeholders. There will be a Zoom meeting on May 16 for the stakeholders, which will start the process of feedback and changes. The process is long for a reason, to allow for input and transparency. If there is a proposed change to any rule that is controversial, it will be put to the side. The process for the vast majority of the rules should move forward. Updating the rules is currently one of the agency's main endeavors.
Recruitment is another endeavor. The agency is authorized up to 122 full time employees, and currently there are 22 vacancies. The issue of vacancies is not limited to the WCA, as other state agencies also have vacancies. For WCA staff, the agency has brought on another HR person to review staff positions and where they compare to peers, to ensure staff are being paid correctly. Two requests for changes have been sent to SPO already, and every employee's position will be reviewed.

Senior managers are now required to visit field offices every quarter. In this way the field office staff will be kept up to date about what's going on in the Albuquerque office, and vice versa. All offices are open except for the Las Vegas office, because of the current fires in the area. The Las Vegas office is open virtually.

5. Advisory Council Chair Report:

Chair Eichorst noted that the council was busy at the last meeting, and has missed a step in the council's bylaws that states council members will be elected annually at the year's first meeting. The vote elects a chair and vice chair to serve a one-year term. Officers may be re-elected. It was skipped at the last meeting, and since one council member is not present currently, he proposes that the council vote for the chair and vice chair at the next meeting. Chair Eichorst and Kevin McGinley have switched roles for some time. Mr. McGinley has done a great job and has been a wealth of information and knowledge and he will be missed. The chair welcomed new member Ms. Buffy Johnson to the board and noted the importance of having southern New Mexico represented on the council. The bylaws mention subcommittees, that interim subcommittees can be established as necessary. Mr. McGinley made sure there was a legislative subcommittee, and the council is preparing for the upcoming 60-day session. The bylaws state subcommittees may be of any size but no more than 2-3 council members. At the next meeting, the chair would like to have a subcommittee for the legislative issues, and have ideas ready to move forward so there are positive impacts with workers' compensation in New Mexico.

At the last meeting, Ms. Ronda Gilliland talked about OSIPS, which can be problematic for small businesses. He thinks that is true, and a lot of big industry is coming to the state, so it is a topic to focus on. In addition to Intel and Facebook, Santa Teresa is growing, and there are now two large Amazon plants in the state. If the board has no objections, at the next meeting, the chair would like to have elections. Since labor and business switch up, it would be nice to have a business representative as chair and someone from labor as vice chair.

Sara Ranney acknowledged Kevin McGinley for his knowledge, dedication, and willingness to educate others about workers' compensation. She thanked him for his service and the chair agreed.

Chair Eichorst asked Director Doucette if the WCA was aware of any possible negative effects on work situations since the legalization of recreational marijuana took effect. The organization he is with in construction has not seen any changes or increase of fails in drug testing. Director Doucette said at this time he has not noticed any changes but noted that the WCA will monitor it.

Sara Ranney wondered how many people from the council can meet outside of meetings. A majority of the council cannot meet without public notice. The meeting could take place, but it would have to be publicly posted, and the public would be able to be there. Also there cannot be a rolling quorum.

6. Public comment:

Merilee Danneman said she would be sending Director Doucette a memo about an obscure provision in the statutes which states that injured workers with permanent total disability (PTD) can apply for a break on property taxes on their home. It is not in the workers' compensation statutes, but it is in the tax code. When it was enacted

over 20 years ago, the legislature did not seek comments from the WCA. Currently, there is no certificate to state someone has PTD, and the county assessor is the one who decides if someone gets the tax break. When at the WCA, Ms. Danneman suggested that a hearing take place at the WCA and a certificate issued for the injured worker which could then be taken to the county assessor. She would like to bring that suggestion back to the table to formalize if possible.

7. Next meeting:
The next meeting is set for 2 p.m. Thursday, August 4 at at the main WCA office.
8. The meeting adjourned at 2:43 p.m., on a motion from Darrell Deaguero, seconded by Sara Ranney.