

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

****MINUTES****

MEETING DATE: July 11, 2024

WCA headquarters, 2410 Centre Ave. SE, 87106

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

1. Call to Order and Introductions: 2:37 p.m. Chair Goodrich asked all present at the meeting to introduce themselves.
2. Approval of agenda: Courtenay Eichhorst made a motion to approve the agenda, seconded by Darrell Deaguero. Agenda approved.
3. Approval of minutes: Buffy Jackson made a motion to approve the minutes from the May 2, 2024, meeting, seconded by Sara Ranney. Minutes approved.
4. Director's Status of Agency report: Robert Doucette introduced Heather Jordan as the WCA's new executive deputy director. He also updated the council on building upgrade projects nearly complete at the WCA's Albuquerque building to include new flooring and lighting, which was paid for by the General Services Department; and he informed members of the Council that the muralist who last year completed the mural to honor 20-year staff and employees who died during their employment service has recently completed another mural to honor judges who served 10 or more years at the WCA. Doucette also reminded the Council that Judge Leonard Padilla will retire in August and that the agency is still accepting applications for his replacement, so far receiving three applications, and that open public interviews will be conducted. He reported that he, Jordan and the agency's chief financial office met with the Governor's team regarding the WCA's budget situation, informing them that the agency is almost out of reserve funds. Doucette also said he informed the Governor's team that moving forward, the Legislature will either have to give the WCA money from the General Fund or will have to increase the assessment fees paid by workers and employers in the state. Doucette said the assessment fee has not been increased since the 1990s* (the fee for employers was increased by .30 in 2003 to create the Uninsured Employer Fund). Doucette informed the Council that Rep. (Christine) Chandler (D-L.A., Sandoval & S.F.-43) has asked for a presentation about workers' compensation in Albuquerque on August 12, 2024, and invited members of the Council to also attend. Chair Marni Goodrich asked if it would be an opportunity for the Council to distribute their flier regarding the Advisory Council, to which Doucette said yes. Regarding worker's compensation legislative proposals for the upcoming session, Doucette said the agency only plans to ask for removal of exclusionary language regarding farm and ranch laborers from the statute to make the law consistent with a 2016

New Mexico Supreme Court ruling declaring the exclusion unconstitutional and said that Rep. Tara Lujan (D-Santa Fe) has agreed to sponsor the proposal.

Council member Courtenay Eichhorst asked Doucette about agency vacancies. While Doucette did not give a current vacancy rate, he said the WCA's was among the lowest in state government. Doucette said the agency held a number of positions vacant through the close of last fiscal year because of a \$300,000 funding shortfall in the 200 financial category which covers personnel salaries. Doucette said that since the start of the new fiscal year on July 1, the WCA was moving forward on filling several of those vacant positions. Eichhorst again pressed Doucette, asking if the WCA receives more funding, does the agency expect it will be better able to keep employees. Doucette said the WCA brought in a human resource employee specifically to address salary discrepancies to be better able to pay employees commensurate with their education and experience.

5. Legislative Subcommittee Update

Courtenay Eichhorst reported that the subcommittee had not met since the Council's May meeting. He said that he had been in conversation with Rep. Pamela Herndon (D-Albuquerque), who he said is prepared to help with sponsorship of any workers' compensation legislative proposals. He also agreed that removal of the farm/ranch exclusionary language from the statute makes sense to be consistent with the New Mexico Supreme Court ruling.

6. Public Comment

Merilee Dannemann cautioned the director and members of the Council regarding a possible amendment to address removal of the language in the Workers' Compensation Occupational Disease Disablement Act that excludes farm and ranch laborers from mandatory coverage reminding that the act also exempts "domestic servants." She said the phrase "domestic servant" could include babysitters or gardeners, which are now covered by homeowners' insurance policies.

7. Next Meeting

The next Advisory Council meeting will be at 2:30 p.m., Thursday, September 5, 2024, at the WCA in Albuquerque.

8. Adjourn

Ranney made a motion to adjourn the meeting, seconded by Deaguero. The meeting was adjourned at 3:04 p.m.