

Maryland Workers' Compensation Commission
Special Meeting Minutes
Thursday, March 17, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 11:00 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren

Staff members attending were Stacey L. Roig, Secretary, Scott Curtis, Amy Lackington, and Mary Ahearn

Public Guests: Byron Warnken on behalf of the MD Association for Justice and the Warnken Law firm on speakerphone in the firm's conference room, Sheryl Tirocchi, Matthew Tidball; Andrew Mazan; Lorraine Brooks and Tom Dolina

Chairman's Report: Chairman Aumann opened the meeting with a reminder to all guests that this is a special meeting of the Commissioners and, as with all Commissioners' meetings, guests are permitted only to listen unless asked to speak by the Chairman. The Chairman reported that all Hearings are postponed under the guidance of the Judiciary and the Office of the Governor until April 3, 2020. Modified work is in place at the Commission with about 10 staff on site for parts of the day to open mail, scan documents, etc. Indexing is being done at home through telework, as are most other duties. The Public Service group is rotating one person on site to answer phones and there are two Commissioner Assistants on site for printing and hands-on work that must be done on site. The IT Helpdesk has one person on site in Baltimore. All of this was put into effect to help cut down on the amount of personal contact and hopefully, flatten the line. The Chairman stated that it was difficult to make the decision to postpone hearings because of the impact that it would have on injured workers waiting for their case to be heard. The Commission has set two dockets on Monday, March 23, 2020 that will only include cases that had been previously set for emergency hearings between March 16th and April 3rd. The two dockets will be held in Baltimore and Beltsville. The Commissioner Assistants are contacting the parties to confirm the need to proceed with the EMR and to notify the parties of the special dockets. Commissioner Metz will take the Beltsville docket and Commissioner Kittleman will take the Baltimore docket. The hearings are scheduled in 20 minute intervals and the parties are being directed to arrive on time, not early, and to leave immediately following their hearing. The Chairman also reminded the Commissioners to please watch their Queue work, especially settlements and emergency hearing requests. Termination of Temporary Total Disability benefits may be put on hold by some insurers temporarily. The Commission will continue to monitor the workload and keep on site personnel to a minimum. Mission critical people are handling as much as possible to keep the backlog to a minimum when we return to full operations. Subpoenas and settlements can still be mailed to Baltimore for stamping and scanning to the system for Commissioner review. Some of the work is not telework friendly and those who cannot telework are being paid administrative leave. Workers on site are being given a premium of pay two times hourly for every hour worked or compensable time for every hour worked for exempt employees. The Chairman is participating in a daily call with the Governor's Office. The Commission is operating smoothly and keeping things moving.

Amy Lackington reported on behalf of Mary Ahearn that the Commission is addressing issues as they arise. The Department Heads are meeting on a conference call with Mary Ahearn each morning.

James Lanier, attorney with the Warnken Firm, asked if the Commissioners would take questions from the guests. The Chairman answered the following questions:

1. What will be the time for the special dockets on March 23rd?
 - A. Hearings will begin at 9:00 am and run every 20 minutes thereafter until the docket is complete.
2. If a regularly scheduled hearing, that was scheduled to occur between March 16 and April 3rd, has been cancelled, may the attorneys refile as Emergency Hearing?
 - A. Yes
3. Which insurers are considering a 30 day moratorium on terminating TTD?
 - A. The Chairman was not at liberty to say as the information is general and not specific.
4. Will Vocational Rehabilitation requests be handled any differently than usual?
 - A. No. Voc Rehab requests should be processed as you usually do it.
5. Is there anything that was said at this meeting that cannot be repeated?
 - A. No, this is an Open Meeting and the Minutes will be posted to our website as all Commissioners' Meeting Minutes are posted now.

Byron Warnken asked to comment and Chairman Aumann asked him to proceed. Mr. Warnken thanked all of the Commissioners who were participating in an event on Thursday, March 19th, for their support; however, the event would not be going forward at this point. The Commissioners will be notified if it is to be rescheduled.

Mary Ahearn joined the call and Chairman Aumann asked if she had any information to share on the call. Ms. Ahearn reported that in spite of some hiccups, the first day of modified working had been smooth. The mail load was particularly heavy but was being processed as quickly as possible. She commented that the Department Heads will be having regular staff meetings via teleconference to keep everyone up to date.

Commissioner Quinn asked if the Chairman anticipated hearings every Monday in Baltimore and Beltsville, The Chairman answered that the situation was flexible right now and he would continue to assess the situation depending on the need to do more in the future. Any future hearings will be set manually and all parties notified by the Commission.

Adjournment: There being no further questions or comments, the Chairman adjourned the meeting at 11:30 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary