

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
ADVISORY BOARD MEETING
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH STREET
CHAIRMAN'S CONFERENCE ROOM
HELD ON JULY 31, 2012 at 2:00 PM**

Present at the meeting were:

Mitch Weisz, Chairman
Kimberly Janas, Secretary of the Commission
David Vite, Illinois Retail Merchants Association
William Lowry, Attorney, Nyhan, Bambrick, Kinzie and Lowry
John Carpenter, Chicagoland Chamber of Commerce

Participating via phone:

Dave Halffield, Sears Holdings Mgmt.
Mitch Abbett, Holten Meat, Inc.
Mark Denzler, Illinois Manufacturers' Association

Not present at the meeting:

Aaron Anderson – Painters District Council #30
Michael Carrigan – Illinois AFL-CIO
Phil Gruber – International Association of Machinists and Aerospace Workers
Mark Prince – Prince Law Firm
Sean Stott – Laborers' International Union
Richard Aleksy – Corti, Aleksy, and Castenada

IWCC staff present at the meeting were:

Ron Rascia, General Counsel
Dennie Michelle Zankel, Deputy General Counsel
Lola Dada-Olley, Deputy General Counsel

Chairman Mitch Weisz called the meeting to order at 2:04 p.m. and noted that a quorum was not present. Chairman Weisz stated that he received an email from Michael Carrigan, President of the Illinois AFL-CIO, with a letter attached stating that due to the short notice of the Advisory Board meetings posted for this week, the labor members of the Advisory Board were unable to participate in this meeting. Mr. Carrigan's letter was copied to all the labor members.

Because there was not a quorum present, Chairman Weisz indicated that Board would not be able to vote on a recommendation on the eleven arbitrators subject to reappointment.

David Vite added that he had informed all of the Advisory Board members at the last regularly scheduled meeting of the Advisory Board of the letter he had sent to the Governor requesting that the entire Workers'

Compensation Advisory Board issue a recommendation as to the Arbitrators subject to reappointment. The actual letter was also copied to Chairman Weisz and Mr. Carrigan.

Mr. Vite continued by stating that the letter sent to Governor Quinn was not intended to circumvent participation by the labor members of the Advisory Board. Rather, the letter was specific to include that the labor members of the Advisory Board would be included in the discussion of the Arbitrators. The impetus for this letter was the long and difficult negotiations regarding workers' compensation in 2011. The result of these negotiations included the initial appointment and reappointment process for Arbitrators. In that process for the initial appointments, the Workers' Compensation Advisory Board was empowered to provide the Governor with recommendations on the appointments for all Arbitrators. Because the review of the Arbitrators by the Advisory Board was so thorough, fair, and open in that initial process, the business representatives believed that a similar process should be undertaken, on the subsequent reappointments, albeit a much shorter process than the initial appointments made pursuant to House Bill 1698.

Mr. Vite concluded his remarks by noting that it was potentially an oversight on the part of the business community this letter was not sent to the Governor's office earlier. However in order to ensure that both business and labor have their perspectives considered by the Governor, Mr. Vite stated that the business representatives of the Advisory Board thought it prudent to request an opportunity to opine. Mr. Vite noted that no objections to this letter were raised at the last Advisory Board meeting and it appeared as if the members were interested in offering their opinion on the appointment of the Arbitrators. Mr. Vite was notified on Friday by the Commission asking if the business community would be willing to meet on Tuesday because of the fast approaching deadline to act by Governor. To the best of his knowledge, Mr. Carrigan received a similar call inquiring as to the availability of the labor members. Mr. Vite stated that to not have the opinion of both labor and business considered in this reappointment process is disappointing and that his honest efforts were possibly misinterpreted by the labor members of the Advisory Board. Mr. Vite said that it is disappointing that his honest efforts were taken wrongly by his friends from labor. Mr. Vite stated that he hopes that the Board's actions have not caused irreparable harm to the good work of this group and the Governor makes the right decisions on the reappointment of the Arbitrators. Finally, Mr. Vite also requested that the copy of the letter that he sent to the Governor and Chairman Weisz be affixed to these minutes.

After Mr. Vite concluded his remarks, Chairman Weisz confirmed that the August 1st meeting would be held as scheduled and a dial-in number would be circulated to all Advisory Board members.

Chairman Weisz adjourned the meeting at 2:18 pm.

August 1, 2012

The Honorable Pat Quinn
Governor of Illinois
JRTC
100 W. Randolph, 16-100
Chicago, Illinois 60601

Dear Governor Quinn:

Thank you for responding so positively to the letter I sent last week on behalf the business representatives on the Workers Compensation Advisory Board (WCAB). In that letter we requested the opportunity to give our opinion on the reappointment of the 11 arbitrators whose terms have expired. The business representatives very much appreciate your willingness to give us that opportunity.

Unfortunately, our friends representing injured workers schedules did not allow them to participate in the meeting called to provide you with the opinion of the WCAB. They did, however, send a letter indicating that they support the reappointment of all 11 of the arbitrators whose terms are expired. While it would have been more appropriate for all of us to sit together and give a joint opinion, the business representatives, suggest that since it has been just under a year since the WCAB interviewed all of the candidates and recommended appointment of the 11 arbitrators, that you consider our joint recommendations of last year. In addition, you will recall that the Commissioners also suggested reappointment in May. Collectively, business respectfully asks that your arbitrator appointments are people who have demonstrated that they will act fairly and without bias in the administration of the Worker's Compensation Act.

It is the hope of the business representatives of the WCAB, that next summer, the WCAB will be granted the opportunity to comment on the arbitrators whose terms will expire in 2013. Please allow enough notice to be given so that our friends in the labor community can make time on their very busy schedules so that they can participate in what I believe is one of the most important tasks of the WCAB

Again, thank you for the opportunity to comment. We look forward to working with you and your administration to achieve a balanced and fair worker's compensation system.

Sincerely,
David F. Vite
President & CEO

CC
Mitch Abbett
Richard Aleksey
Aaron Andersen
John Carpenter
Michael Carrigan
Mark Denzler
Phil Gruber
David Halffield
Bill Lowry
Mark Prince
Sean Stott
Jerome Stermer
Mitch Weisz
Speaker Michael Madigan
Senate President John Cullerton
House Republican Leader Tom Cross
Senate Republican Leader Christine Radogno