

MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
IWCC CHICAGO OFFICE, ORAL ARGUMENT ROOM
OPEN MEETING
HELD ON MONDAY, DECEMBER 12, 2006

Present at the meeting were:

Chairman Dennis Ruth
Commissioner Mario Basurto
Commissioner Yolaine Dauphin
Commissioner James DeMunno
Commissioner David Gore
Commissioner Nancy Lindsay
Commissioner Susan Pigott
Commissioner Paul Rink
Commissioner Barbara Sherman
Commissioner Ilonka Munoz Ulrich

Dan Creedon, Legislative Liaison
Amy Masters, Secretary/Chief of Staff
Carolyn Parks, Executive Director
Rebecca Paz, Human Resources Manager
Dora Shabazz, Commissioners' Support Supervisor

Chairman Ruth called the meeting to order at 3:14 p.m.

Handouts were distributed to the Commissioners, including an agenda; the Code of Conduct for Arbitrators and Commissioners; a May 7, 2004 memo regarding the Review Process from Chairman Ruth; and a recent report of past due and pending decisions for each panel and commissioner.

Upon motion duly made, seconded and unanimously carried, the minutes of the Commission meeting held on May 1, 2006 were approved as presented.

First the Chairman acknowledged that Amy Masters was named Secretary of the Commission per the order signed by all the Commissioners. Effective with the new Secretary position, Ms. Masters and Carolyn Parks will exchange departmental oversight, so Ms. Masters will oversee the Operations department and Ms. Parks will oversee the judicial departments. Their respective titles of Chief of Staff and Executive Director will stay the same.

Next the Chairman addressed the large backlog of cases on review. He noted that cases on review have been increasing over the years from 1,350 cases in Fiscal Year 2003 to 2,480 in Fiscal Year 2006. Currently 2,854 cases are pending on review. He explained that one of the reasons that the backlog was created was due to both the hiring of additional arbitrators and policies of arbitrators trying cases when the parties are ready and have requested a trial. He noted that it appears the number of trials at the arbitration level is leveling off but that the time to resolve cases on the review side has drastically increased from 6 months to 1 year or more. He explained that this problem is why business and labor agreed to create a new commission panel and that both business and labor expect to see review cases heard in a timelier manner as the backlog is reduced.

The Chairman referred to a May 1, 2006 memo directed to the Commissioners from the Chairman with review statistics dating back to 1992 showing that commissioners previously resolved a greater number of cases than in more recent times. The statistics stopped at 1992 because this was a time when only two panels were in place. He stated that 40 oral arguments should be set per panel per year with a goal of 4 cases per staff attorney, and noted that some changes would have to be made to this schedule due to staff vacations, sickness, and other time off, as those issues arise. Based on the previous statistics the Commission should be able to issue between 2,400 and 2,500 decisions each year. The Chairman also pointed out it is each Commissioner's responsibility to move cases through the system.

On the subject of scheduling orals, the Chairman informed the Commissioners that parties should not be allowed to continue cases except for emergency reasons, and Commissioners should not operate under a policy that all parties are allowed 1 continuance. He noted that last minute continuances tend to add a couple months delay in to a case. Commissioner DeMunno asked if a memo stating this policy could be issued by the Chairman, and the Chairman agreed to issue a memo to this effect.

Commissioner Dauphin asked how to address those parties who state they did not receive notice, and Commissioner Sherman added that this is a frequent problem. Dora Shabazz stated that AAs are to send notices out 30 days in advance can confirm they were sent. If the attorney's address was changed, the attorney is responsible for informing the Commission. The Chairman noted that downstate information staff is currently entering address changes and a stipulation to substitute attorneys to ensure this information is entered in a timely manner.

On the subject of issuing timely decisions and dissents, the Chairman indicated that some issues panels have numerous cases pending decision or dissent. Panel members should work together and should use technology – email, voicemail, and fax – to assist with coordinating and circulating draft decisions to ensure they are issued in a timelier manner.

Next the Chairman spoke about the importance of streamlining various review processes. He noted that decisions should be shorter, though still functional and accurate, to save time as statistically only 1/3 of cases are appealed to Circuit Court. Additionally simple decision modifications should not result in months of delay to issue the decision. Case summaries should also be standardized and shortened. He suggested Commissioners may want to consider a rule change to require the parties to submit proposed decisions.

The Chairman asked Commissioners Pigott, Basurto and Dauphin, each representing different panels and groups, to work on the standardization of case summaries and decisions in an effort to streamline processes. Commissioner Sherman added that Arbitrator Kinnaman drafted a document regarding standardization of case summaries and draft decisions, while serving as Commissioner.

The Chairman noted that staff attorneys have indicated their concern regarding workload, especially regarding the scheduling of double settings in Springfield. He stressed that while staff attorneys do not dictate the workload, their concerns should be considered.

Commissioner Basurto noted that it is no longer possible to provide staff attorneys with 3 weeks working on summaries and 1 week catching up on decisions. Commissioner

Sherman asked if all commissioners were uniform in requiring that staff attorneys prepared summaries 2 weeks in advance of oral arguments. Commissioner Pigott indicated that she was trying to do so but wasn't always successful.

Regarding calendar development, it was suggested that assigning panels' specific days of the week for orals would work best for avoiding conflicts between the panels.

The Chairman also added that when special review settings are scheduled the Chairman's assistant who coordinates conference and trial rooms, should be alerted of special settings. Additionally, the availability of court reporters should also be considered with special settings. The Chairman suggested that since the commission court reporter is only available 10 days each month, special settings should be scheduled for afternoon settings as most of the other days are scheduled for review hearings of the other commissioners.

Commissioner DeMunno noted that he has experienced problems with room availability at the Joliet site. The Chairman suggested needing to find a new hearing site location in Joliet.

The Chairman next stressed that commissioners should never approve settlement contracts that are on the arbitration level, unless the contract is assigned to the commissioner because it is rejected by an arbitrator. He suggested that each Commissioner be assigned one day a week to ensure pro se petitioners do not have to return to the Commission for review of rejected contracts and to avoid commissioner shopping.

On the subject of office management, the Chairman noted that while each Commissioner manages his or her own office, Dora Shabazz also has authority and is the direct supervisor to all Administrative Assistants. Dora Shabazz reports to Carolyn Parks and Carolyn Parks reports to the Chairman.

Additionally, the Chairman referenced and distributed the personnel code of conduct, which was also discussed at the judicial training in September.

The Chairman also reminded Commissioners not to hesitate to request extra security when they feel threatened in any way. Requests for additional security should be directed to Angie Moore-Gardner in the Chairman's office.

A motion was then made and unanimously approved to go to Closed Session.

Closed session began at 4:35 pm.

Open session began at 5:21 pm

Upon motion and unanimous vote, the meeting was adjourned at 5:21 pm.