

The final quarterly meeting of the **Retro Advisory Committee** for calendar year 2015 was called to order at 9:35 a.m., by committee chair Tim Smolen.

Members present today:

- **Brian Bishop**, Association of Washington Cities.
- **Scott Dilley**, Washington State Farm Bureau.
- **Tammie Hetrick**, Washington Retail Association.
- **Lauren Gubbe**, Associated General Contractors.
- **Teran Petrina**, Washington Restaurant Association.
- **Tim Smolen**, Department of Labor and Industries (*chair*).

Introductions

The committee members, Retro/L&I staff, and guests in the audience introduced themselves.

Review Agenda/Minutes

Today's proposed agenda, and minutes of the 08/21/15 committee meeting, were approved as presented.

Safety Message / Focus on FACTS

Anne Soiza, Assistant Director for L&I's Division of Occupational Safety & Health (DOSH), delivered a presentation based on the *Focus on FACTS* campaign. This is where we find our next best opportunity for improving safety and wellness, things that contribute the most to hospitalizations and fatalities at workplaces.

(Anne's presentation is available on the Retro web site.)

LAUREN GUBBE: Anne, thanks so much. You guys have done a lot. And we appreciate the opportunity to partner with you on a lot of the efforts the department is doing in the safety arena. I wanted to ask— I know there's been a focus— I heard you mention on the Hispanic workforce. And one of the things that we're also seeing, and I'm sure there's probably others, but the other one that seems to be an area where I think it would be helpful to have some focus is Russian speaking.

ANNE SOIZA: The department has a limited English proficiency campaign. And we are looking at all of our outward-facing applications and we're in the process of publishing them all in the top five languages. So it's something that the department across the agency does recognize.

TIM SMOLEN: I want to thank the Retro staff, especially Crystal and Rachelle for getting Anne here. We were having a staff meeting recently, and the feedback I got from them was "I don't really feel like I understand the connection between Retro and safety well enough." That was a good reminder for me that I — as the person in charge of the program— I need to make that connection more clear to people. The Retro program is better known and better understood outside the state and outside the building than it is here in the building. And I think one of the things that the program really suffers from is people aren't making that connection between Retro and safety. I think I just need to do a better job with that. And so I'm grateful to Anne for her support in helping kind of refocus our efforts that way.

Staff Updates

Insurance Tables Study

TIM SMOLEN: When we rewrote the rules effective January 2011, there was a provision in the rules that we would undertake a review of the changes that we made at that time to make sure that they were accomplishing the things that we intended for them to do, which was really to make sure that we were fair and consistent, that we were transparent, that we were making a sound connection between the way that the refunds were earned by the groups and the math that supported those.

So we're in the process of remaking that study right now. Our L&I staff actuaries are doing that work, and we've engaged *Oliver Wyman Consulting* to do a review of the work of our actuary staff.

I also want to do an appreciation for Russell Frank who is the actuary on Bill's staff who is primarily responsible for doing this work. We're at the place where Russell and Bill and staff have significantly completed their work and passed that on to Oliver Wyman, and their working their way through reviewing that stuff. Debbie Sanders is our Project Manager. She and I have talked to Eric Hornick - who is the Project Manager on their side. We're hoping to have a draft report from them soon, but I don't have anything for you from them today to share with you.

What I'm going to ask is if we can convene a community meeting early in January maybe before the session starts so that we can talk through a draft report from Oliver Wyman, at least in the form that we have it, and use it as an opportunity to remind people about how the math works inside the program and provide some data and examples. We've had a pretty consistent stream of questions about things like:

- Explain how the loss development factors are established?
- How frequently are they updated?
- Why are they continuing to sort of increase?
- Why do we have 8.0 for the factor for the miscellaneous accident fund?
- Explain how the PAF is related to rate adequacy?

I think that these are really important questions; and it's important to the staff and me that you all feel 'grounded' in this so as we start making changes, we're starting from a solid platform. I think what I'd like to do is have a program where we can do some educational conversation and have an informal dialogue. We can also then use that as kind of a launching place for the conversation about the insurance tables so people understand the changes in the context of the current program.

TAMMIE HETRICK: I guess my one question then would be: If we're evaluating in January, do you have some time frames set out on what you anticipate like changes within rules or the tables that— what are your time frames?

TIM: It was our intention that the changes would be effective for April of 2016, but we're clear that we're not going to make that deadline. We haven't established a new deadline yet, Tammie, for that. For us, the most important thing is that we involve the customers and the stakeholders in our process in a way that nobody feels disadvantaged by having to make plan choices under the new rules. I want it to be really well understood. And so going a little slower is worth it to us compared to trying to force it to fit our rules timeline. Obviously, you know, in the rules there will be a formal process with public hearings, but I'd like

to do as much informally before we get there; so that if anything is unclear to people we can try to resolve it ahead of time. I don't have a timeline in mind for an effective date for the rules as much as trying to get some feedback from you all about what worked well last time when we did this in terms of the communications and can we do better. We've got the 47 Retro groups, and then we've got another 150 individually-enrolled employers. So, how can we bring everybody along to that conversation?

We also created a page on the website that has all of the documentation that we've created so far.

Farewell to Russell Frank

TIM: Well, then with that, I have sort of personally sad news. You know, it's one of those kinds of things: sad news for me, happy news for Russell. **Russell Frank** is going to be retiring at the end of the year. I'll say that in Bill's team, we're just incredibly blessed to have such great actuary talent. And Russell, even among that group, stands out for his talent. Russell is a published actuary, an academic as well as a practitioner. And he is widely respected in the field of actuaries for his work on Retrospective Rating. We often joke that Retro really is rocket science. And I think Russell has a gift both for doing the technical work, but also for translating it for a lay audience. And he has been instrumental in bringing along all of us in Retro, our Retro staff to that, and I know working directly with you all.

So Russell, would you just come forward and be appreciated please. (*Applause.*) I have a certificate for you, Russell, that says "Thank you for your years of dedicated service to our Retro customers and staff. Your thoughtful approach to education, training and support has helped us to maintain the integrity of the program. The future of the program is secure because of the quality work you've done to build a strong foundation." So, I just want to say, "Thank you." (*Applause.*)

RUSSELL FRANK: I just want to thank everyone here. This— especially back in 2010/2011 when the new rules came in for the first time— was definitely the high point of my career at L&I. Tim says this is, quote, "rocket science." It's one of those advanced things that you learn about, but you don't expect to actually do it yourself. But the other piece was that the rollout— I ended up going out on a bunch of visits and meeting with a bunch of Retro group administrators and others who are interested. And that was, again, definitely one of the high points of my career at L&I. To get to be able to get out and learn more about how the system actually worked and who the people were who made it work. And I really appreciate working with any of you I've worked with over the years. So, thank you very much.

LAUREN: And we're going to miss you. (*Applause.*)

Common Ownership Pilot

TIM SMOLEN: We did get the pilot rule-making on-line ahead of October enrollment. We have a couple of applications for the October enrollment. We haven't yet completed review of those. We have found some challenges in terms of verifying ownership data inside our own internal L&I system. We want to make sure that all of the documentation that we're using to make those decisions is sound and complete. So, we're a little bit slower than I wish on making those decisions. But it's real important to us as we work through this to kind of get it right the first time. Because obviously those data will help inform our decision about permanent rule-making down the line. So, we are working our way through a couple of applications related to the common ownership pilot. But I think in general it's going very well. And

thanks for all of you who have submitted applications for helping us to, you know, do that correspondence and get the ownership records right. Any feedback from the community about how that's going from your perspective or questions about the pilot?

LLOYD BROOKS: Do you anticipate when you'll have that done like a "no-later-than date"?

TIM: I think a couple of weeks at the latest. I think we're pretty close.

Owner Optional Coverage

TIM: We've talked about this being related to the pilot on common ownership, and we didn't include it in the rule-making, but I know it's a concern for you all. I did meet with the folks who are working on the owner-optional coverage this week. Where I'm at with that is I want to make sure that as we work through making the business requirements, in terms of the technology solution, that we're also considering what we can do administratively that doesn't involve the technology. My request is going to be similar to other kinds of things that you all have helped us with is to get together a small group of Retro people to help us to describe what are the things that you care about the most so that as we build this solution that it's going to solve the problems or concerns that you have. I think we have a pretty good sense about what that is, but I want to make sure that we're continuing to involve you guys in that conversation. Because the technology solution, at least at first glance, looks really complicated. And we're going to be in line with a lot of other things that are being prioritized, but I want us to see which things can be resolved kind of administratively without a technology solution. So, for instance, there's concerns about is the application really clear, is the handling really consistent, are we doing an adequate job identifying owner claims compared to other kind of claims. So the request is going to be to sort of formalize the stakeholdering by inviting a couple of you all to help us draw out those business requirements.

TAMMIE HETRICK: Have you made a decision then on the owner-optional coverage for Retro?

TIM: We haven't, no. I would say, Tammie, we're just at the point of scoping it, trying to figure out what are the things that we're going to take on and how. So there are some policy decisions, and then there are some administrative decisions and some technology decisions, and we haven't made those decisions. We're still trying to make sure that we understand sort of what problem we're trying to solve and how to go about solving it.

What I'm suggesting is I want us as the department to kind of prepare sort of a statement describing we think this is what we're trying to solve around, what success looks like. On the other side would be this—for you guys, to validate that that's the right thing, that we don't miss something so we don't get to the end and say, you know, "Hurray, look, we did this," and your reaction is like, "Gosh, that's nice, but that's not really what we were hoping for." Right?

It's similar to we've done with like the enrollment workgroup and the data workgroup. And I guess I just want to make sure we scope that right. And I guess I just need to be clear. This is not a commitment that we can do everything or do it the way that necessarily you would prefer. But it's just a question of saying, let's make sure that we understand each other where we're at so we can go through this together as partners. Is that fair? Yes.

KRISTEEN JOHNSON: So are you in the process of forming a workgroup or have you already formed a workgroup? Do you have a date in mind when you're going to have that workgroup together?

TIM: As soon as possible. The internal staff have started to meet to kind of talk about what's possible inside the technology and what do the rules currently permit and where is our authority and how are we handling it, right? Sort of getting a map of the current state process. So, we've got internal folks already working on those, you know, sort of figuring out where are we at these days. So I'm more concerned that on a going-forward basis, how do we get to make sure that we understand explicitly what you all want in terms of a future state solution?

Protest Handling

TIM SMOLEN: This is really just a review about where we're at with handling adjustment protest process. January 1 will be the 60th day, for the current cycle. We've received 95 claims so far. There's a handout in the packet then about the results from the last cycle. Our goal is fewer protests. Better quality protests. You have a review of the reasons behind the protests that we're getting. And we're using those as feedback with our colleagues in the Claims Administration and other claims handling areas to try to improve the quality of the relationship back and forth. I think what I would say at a high level is we feel like things are continuing to trend in a very positive direction. We're hopeful that we're going to continue to make improvements in those processes.

TIM SMOLEN: Nancy, would you stand up please. **Nancy Lach** has joined us as a Claims Manager. She's helping support Marnee with the claims. Nancy's the first point of contact for claims handling this time around.

UNIDENTIFIED AUDIENCE MEMBER: I just think that it's worth noting and celebrating the department, you know, just the way that you're handling the protests in such a timely manner. Just really moving in the right direction, and I just want to shout out for that. Great job!

LLOYD BROOKS: A quick question. Can you give me an illustration between— or maybe an illustration of— the difference between developmental delays and delays in claim?

MARNEE COUTHAN: Department delays are internal. So, whether it's the Office of the Medical Director, Claims Consultants, something like that. The other delays are external. So, it's the employer responding. It's the provider providing closing medical. It's the IME delays, things like that.

Enrollment

RACHELLE JEFFERSON: Good morning, I'm Rachelle Jefferson. I'm one of the enrollment coordinators. So, for July, we've received 58 protests, and we've completed 38 of those; we are working currently on 20. For October, we're wrapping that up. We have a total of 102 new applications. We have processed seven (7) groups so far. Twenty (20) groups took part in the standard enrollment process. And there were 23 individually-enrolled employers. Enrollment for individually-enrolled employers and staggered groups have been completed except for the two employers involved in the common-ownership pilot.

There's also a new Retro group. *Thurston County Chamber of Commerce*. We're happy that they've joined Retrospective Rating.

Thank you for the members of the committee and those of you in the audience that interacted with our staff closely. We appreciate how quickly you have been responding to our e-mails and phone calls regarding enrollment. So, thank you. Any questions?

(Break)

TIM SMOLEN: All right. Thank you for coming back. Tammie took off to attend to her husband. He called her and asked for some help. So I'm going to go ahead and start up again.

Project Updates

U-C-IT

TIM: A couple of more things from our staff to you. In the packet is a review of other project work that we're doing on your behalf. Specifically, I wanted to appreciate Stephanie who is here from ERNWest on behalf of the U-C-IT team. We've had a good success.

Claim and Account Center (CAC)

TIM SMOLEN: In your packet we talk about a change that we're going to be making in the Claim & Account Center. This is something that you all asked for through the U-C-IT team, and specifically Robert Mitchell from the Washington Retail Association. So, what I'm calling "captioning" inside the system so you can track claim types. That'll be in the next CAC release. And Marnee's going to send out some materials on the ListServ next week.

Stephanie, thank you. And this is also an unpaid endorsement for the U-C-IT team: we are still looking for your suggestions and recommendations for how we can improve the user interface between you all and the department. Our goal is to make it easier for you to do business with L&I, right?

My L&I

TIM: We had also anticipated that we were going to have some significant releases that we're calling the "My L&I" technology. We talked with you about the secure messaging center, two-step verification to improve security, and what we're calling the employer dashboard. *All of those releases have been postponed indefinitely.* We were hoping for a mid-December release. Long story short, we have not solved the security technology challenge with our technology vendor. At this point I don't have a new release date for that functionality. But thanks again for those of you who helped us work through testing.

Workgroups: Data, Enrollment

TIM: There are updates in your handouts about the data workgroup and the enrollment workgroup that Ashley has been leading. Scott and I talked about this at the break. We're going to kind of close out phase 1 work and start on phase 2 work. Phase 1 work was a lot about the current process. In this cycle what we've done is created a draft version of protest forms—the analog to adjustment protests for the enrollment protest process—so we can help speed resolution of those. We're also working on a review of our current state process for reviewing what we call "denial overrides." (When we activate a group or employer enrollment, the system checks to make sure there's compliance with the rules for things like

account in good standing, risk class, and other parameters.) We're going to produce for you a kind of a review of how the staff do that work, currently, so you have some insight into how we're doing that. Phase 2 work will be beginning with updates to the business and industry category guide. This means looking at which risk classes are assigned to which industry categories. The first order of business would be to incorporate all the adds and deletes that the Classification Services team has made, and then also to look at making sure that it maps the way it should so that we don't create more exceptions or more denials than we need to, and that it really reflects the way that you all do business these days. So, we'll be reaching out to you to sort of reconvene the Phase 2 workgroup after the first of the year.

Retro Staffing Update

TIM: In your packet there's an updated org chart for Retro. We are continuing to align our team as best we can to meet your needs and specifically to help accelerate the work of Ashley's data team and enrollment workgroup team. I'm going to reassign her full-time to work with Jessica and the FIC team and to free up some of her time to work on project work. So, the Enrollment Coordinator team will be a direct report to me, for the short term.

We're having good conversations about what are other kinds of things that we can do to improve services for you guys on the enrollment side, specifically. I think the next thing that you're going to hear from us is just a request for some meetings to talk with you all about how we're using the tools that we're currently providing. We've concentrated on in-box requests or information requests. So, we're going to reach out to you and ask about how we are using those tools and how they can be made to work better and what other things can we do to support your work on underwriting folks into your groups.

With that's said, the org chart reflects a couple of changes. I'll be supervising the Enrollment Coordinator team. We've added Nancy Lach in her role as Claims Manager working with Marnee. Ashley becomes a full-time report to Jessica. About Corey Geller, we had hired him in the summer; unfortunately, he had a personal family issue to attend to, so he resigned from his role as FIC. Because he was in a non-permanent role behind José Cuellar, we're *not* going to fill that non-permanent FIC role until we find out whether José is going to return to full-time duty in Retro (which will be June 30) or if we're going to find a permanent placement for him working in the IT field— which is his ambition. So, we're going to be a little bit short-staffed here in the short-term, but are continuing to have conversations with Mike and Vickie and Budget and HR folks about what the program needs to do to be staffed appropriately to meet your needs.

LAUREN GUBBE: Tim, is there any talk of having the claims manager position that supports Marnee be a permanent one, or more of them ?

TIM: Yes. That would be our priority. In terms of the positions that we've asked for, Lauren, to be added into the budget, a permanent Claims Manager full-time is our number one priority. But in the short-term, securing Nancy's non-permanent role would be a first priority.

We're just trying to find that right balance in terms of supporting you in Retro, and also appreciating that a lot of the work that we do in Retro has benefits to the whole department; it doesn't just benefit Retro.

LAUREN: Which I think doing it the way you've done it has exposed Retro more. Because you had kind of people that flowed through. But I think the other side of the coin is, which we talked a little bit about in our coalition meeting, was there is value to having longer tenure of people involved in Retro who are familiar with the issues when they come up, you know, that are unique to Retro where they have experience to draw on or a historical perspective. And you lose that. That's the other side of the coin.

So, I know you weigh those things carefully. But that is something that we had a little bit of discussion about earlier. So it's something to keep in mind.

TIM SMOLEN: I think that's definitely the case. It is a complex program, and there is a long learning curve. And it is a real challenge for us for sure.

While we're on the subject of the staffing, I have another appreciation. **Mark Matthies** is celebrating 21 years of service in Retro this week. So, if you'll just appreciate Mark for his service. (*Applause.*) I think the Retro program is earning a positive reputation inside the department. I think we've done some really good work for the department. And I think that Mark has really been kind of the cornerstone of our Retro program here at the headquarters building, and we're very grateful for that. Thank you.

Good of the Order

TIM: The last thing in your packet then is a review of the supplemental budget and agency request legislation that we've got for the year ahead. This is just a review of what we'll be advocating for on behalf of the department.

Debt reports

LAUREN: Tim, one thing that seems to come up a lot with us is our desire to have access to financial data on whether people are current or not on their premiums, their safety citations, their right to know and all that. And I was just thinking—I know it has been said to me that there's three different systems that report each of those, and they don't talk to each other. Is there any thought that that's going to be part of this legislation going forward? Money to fix that technology gap, if you will, to either extract data from each of those systems or maybe one system that replaces all? It is kind of a big deal. Because when we get our notices that say who hasn't paid, and we act on those and help recoup that for the department, then sometimes we're blindsided late in the game that, you know, interest was accrued or something that—and so a company could magically come forward owing the department late in the game that we weren't put on proper notice nor were they, maybe, you know, arguably, that they owed that. So, I'm just wondering if—I just want to make sure that that isn't lost somewhere in the shuffle because I think it's a big deal. And I know—I know the Right to Know—I don't know if it's still a paper bill, but I know at one point I heard from the AG's office there was only a 50 percent recoupment rate or whatever. It seems like you could do a cost-benefit analysis and make the argument that, you know, you're going to get your money's worth for making those improvements in the system. And then you're also going to provide better service to your customers, both employers and employees. So I don't know—I mean, I know it's on your radar, but I guess I just am doing this so that it's in the minutes and doesn't get lost.

TIM: I promise we're not going to lose it. Let me tell you kind of where we're at these days, Lauren. The first order of business for us is we currently produce a report ahead of enrollment. And the way that we do that is we literally order them from the system; it runs as a batch job, it falls out overnight. Then we scan it and send it to you. And really at the time it's produced it's already not current. And by the time you get it— like you said— we're already lagging. So, the first order of business for us is we have a service request that Marnee and I submitted. The short-term opportunity is that rather than having the report be ordered by us, and then delivered to you as a scanned document, we'll create a data file and put the data file into the secure file transfer (SFT) folder like we do other documentation for you so that you'll get the equivalent of like an Excel file or a file that can be imported into Excel, and that it can then be available like on demand, right? You can just send us a note and say, "We would like to have..." You'd order it on Monday and order it again the next Monday to see that any changes that you've made in terms of collections would show up in that report.

The second phase would be to would reprogram the Claim & Account Center (CAC) so that you could do self-service; you could actually order it yourself rather than going through our staff. In the same way that you could, for instance, order a trend and analysis report now, or the feasibility study, you can order that report. And that wouldn't be just for Retro; it would be for *any* employer. They could log in under their employer ID or account number and order that report for themselves. That gets us sort of part of the way there in the way that it would be all the debt that's currently reported in what we call the ARC system, accounts receivable and collections system.

The next part of that is then how to continue to report the debt that's not in that ARC system back out to you and Retro and the rest of the community. I don't have a good solution in mind for that, yet. I think what we're hoping is to implement this solution and see how close does that get us to what your ultimate goal is.

LAUREN GUBBE: I think the ultimate goal is a one-stop place where all the system— all debt is reflected on one screen. The employer doesn't have one form of bill from the department that comes automated, if you will, and one that comes paper. But there's a one-stop shop with their insurance agent. They pay. You know, they can mark it off. And then, again, going back to another issue, you could have "I elect coverage" or "I don't," a box there, and that would satisfy that. And then the employer, you know, is disclosing whether they are or not. And then you don't have all these legal gray areas that— you could solve a lot by doing that in one place. I think that's— how I see it as a lay— I'm a layperson but also when I think about my contractors and really any employer out there, it would be nice to have one screen, see what you owe, pay what you owe, you know, decide what kind of coverage you want and bam.

TIM: I think we have the same vision that you do. And it's just trying to work our way towards that. I think in the short term it's like we'll build this— we'll build this thing in Retro, we'll build this thing in the Claim & Account Center, and then it'll be how much can we leverage the My L&I technology relative to the employer dashboard, so that when you log into the employer dashboard, sort of a landing page, there would be a screen that would answer, "Am I current with all my debt?" And if not, what do I need to do to get current?

LAUREN: Yeah.

TIM: I think the preliminary point of view has been with the release of the My L&I technology that there is no new technology: just present the data that we currently have available. So, I think that that's where we're at. Did anybody else on the committee want to be heard on this or anybody in the audience? No? It is a big deal for us.

Community Service

The last thing for me then is a "heads-up" for all of you— and we'll put a message out soon— this year as we did last year, the Retro staff are going to take the afternoon off on December 18th to do a community service project. Crystal has organized us again. We're going to make a visitation over to *Roo-Lan Nursing Center* and participate in the staff Christmas party and have gifts for residents for whom family and sort of friends weren't able to provide gifts. We have a Retro care fund that we organized and took up collections across the year. Crystal will be organizing gift purchasing and gift exchange for folks. So, we'll be off site in the afternoon on the 18th, and we appreciate your support to be able to do that.

Project tracking

LAUREN GUBBE: One thing. A page that has like what the issue was and then where it is in the process, who's in charge of it, and then a ETA, estimated time of arrival, or, you know, accomplishment or whatever, however you want to say it. Just it would be so cool because it would be embedded in the minutes so everybody would know, and then like when the questions come, we could say, Oh, *so and so's* in charge of that, you know, we're mid phase or whatever the estimated time of completion. And you don't have to— I mean— I don't know. I just really like that.

TIM SMOLEN: We will do that for you.

Temporary help and Stay at Work

SCOTT DILLEY: Tim, one other issue that came up this morning in some of our discussions dealt with the Stay at Work program and its applicability to temp (help) agencies. I know there are some issues surrounding that. And obviously it's not just a Retro issue, but it would have some bearing on some Retro groups that do have temp agencies in them. So, it's certainly of interest to us. I know it's obviously a Stay at Work issue, but we do need some attention to that issue. And I don't know if there are other folks who would like to address that in more specific terms in terms of what's happening, what you know about it.

TIM: That would be helpful.

LLOYD BROOKS: I can do a little bit more background to that. The concept is a temporary agency providing staffing to, in our case manufacturing, or a variety of manufacturing employers. In many cases, it's temp-to-hire. So, they assign a temporary employee to a manufacturing facility, and the temp agency is the employer. And when an injury occurs, the temp agency is the employer of injury by definition. But in this case, the employer who— the contract employer or the employer who was contracted in the temp agency for the work— agrees to provide light-duty work within the restrictions placed by the doctor. And we have situations— we have several cases where the Stay at Work reimbursement has been denied because the worker didn't technically return to work at the employer of injury. The light-duty work is still being performed and provided through the temp agency, and the worker is still doing their job as a

temporary employee. So, anyway, this seems to be a situation where the intent of the law is being missed on a technicality. And this is certainly something we're going to be challenging to the courts, ultimately. But I think any support that Retro could provide would be great. I don't know what you can do— but this is a concern because it misses the intent of the law. The intent of the law is to get workers back to work. And whereas, the employer being the temp agency would be reimbursed if they brought that employee back into their own offices to do some sort of meaningless job. The worker is staying employed and engaged with, you know, the assignment employer. I hope that kind of helps illustrate the situation.

TIM SMOLEN: Would you mind if I just repeat it back, Lloyd? I think what I've got is that I'm a person who's employed by the temp agency. So, 'Scott's Temp Agency'. But I'm working over at 'Lauren's Company'. And then I'm injured on the job, and I want to go back to work for Lauren's company in a modified-duty capacity. And the challenge is if I went back and worked in 'Scott's' office building 'Scott's' business could qualify for a reimbursement, but 'Lauren's Company' can't qualify for being reimbursed for my wages in a modified-duty job.

LLOYD BROOKS: No. Almost. 'Scott' is still paying your wages. 'Lauren' is providing the light-duty accommodation. 'Lauren' is still paying 'Scott' for your services. 'Scott' needs to be reimbursed for paying for your light duty.

TIM: Got it.

LLOYD: If Scott doesn't provide light duty or Lauren does not provide light duty, that that worker's on time loss.

TIM: So, the proposition would be that 'Scott' is the temp agency would be qualified for the personal reimbursement of wages even though it's 'Lauren's' company that's paying 'Scott.'

LLOYD: Yep.

TIM: Got it.

TERAN PETRINA: Because 'Scott's' paying the worker.

TIM: Okay, I have it. I'll see— I'm happy to check in with Bill Smith and Ryan Guppy. I'm not aware of it, but I'm happy to check in. Have you had any feedback from them already?

LLOYD: Yes. And it is my understanding that from the Stay at Work unit, they understand the concept, but this is a legal interpretation.

TIM: I'm happy to look into it, and then I'll get back to you all. Thank you. How about other things?

KRISTEEN JOHNSON: Just to add a little bit more to that, keep in mind that it's 'Scott' also that's responsible the cost of that claim.

LLOYD: Exactly.

TIM: Right. So, Kris, I think what you mean is responsible for the costs of claim in terms of— it's their experience modification factor that's going to go up —

KRISTEEN: Correct.

LLOYD: And they have such a great relationship with their customer, 'Lauren' in this case, that they're even willing to accommodate, you know, the light-duty capacity. It's an example of Return to Work working and keeping people at work. 'Scott's' doing the right thing.

UNIDENTIFIED FEMALE: I have a quick question. Is Scott making the job offer or is Lauren?

LLOYD: 'Scott.'

SCOTT DILLEY: But in any case, the goal is to get— well, is for the worker to stay at work. And that's what seems to be not considered currently under this newer interpretation. I just want to make sure that the intent of the law is followed as well.

Closing remarks

TIM: On behalf of the Retro team and on behalf of the department, I want to say first *thank you for your service* for those of you who are on the committee and for those in attendance. And then certainly our wishes for happy holidays for you and your family. And we will look forward to seeing you in the New Year.

Meeting adjourned.