

OHIO INDUSTRIAL COMMISSION

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AUDIO TRANSCRIPT  
April 15, 2020

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Jillian Reedy  
Professional Reporter

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ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481

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APPEARANCES:

Chairman Jim Hughes  
Commissioner Jodie M. Taylor  
Commissioner Karen L. Gillmor  
Executive Director Tim Adams  
Director of Adjudication Tom Connor  
Chief Legal Counsel Jim Burkart  
Hearing Officer Trainer Laura Schank

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1 P R O C E E D I N G S

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3 MR. ADAMS: Chairman, the stream is  
4 live, and that would mean we need to start from the  
5 top, sir.

6 CHAIRMAN HUGHES: Thank you,  
7 Tim Adams. This is Chairman Jim Hughes. This is a  
8 special meeting of the Ohio Industrial Commission,  
9 which is the date today of Wednesday,  
10 April 15, 2020, 10:00 a.m. We're calling this meeting  
11 to order. This meeting is being held through a  
12 conference call as a precaution against the spread  
13 of Covid-19, Coronavirus in accordance with  
14 Section 12 of the emergency legislation amended  
15 Substitute House Bill 197 signed by Mike DeWine  
16 effective March 27, 2020.

17 The special meeting will be live  
18 streamed on the Ohio Industrial Commission's YouTube  
19 channel. The agenda for today is, No. 1, to call  
20 the meeting to order; the role call; the  
21 adjudication management policy, C-92; the statewide  
22 hearing officer meeting September 14th and  
23 15th, 2020, and the adjournment.

24 At this point in time I'm going to ask  
25 that role call be called by Executive Director

1 Tim Adams to see if we have a quorum, please.

2 MR. ADAMS: This is Executive Director  
3 Tim Adams of the Ohio Industrial Commission. As I  
4 call each Commissioner's name, please restate your  
5 name and affirm your presence.

6 Commissioner Gillmor.

7 COMMISSIONER GILLMOR: Karen Gillmor.  
8 Present.

9 MR. ADAMS: Commissioner Taylor.

10 COMMISSIONER TAYLOR: Commissioner  
11 Jodie Taylor. Present.

12 MR. ADAMS: Chairman Hughes.

13 CHAIRMAN HUGHES: Jim Hughes,  
14 Chairman. Present.

15 We do have a quorum to proceed with  
16 the items that we have. Just to refresh everybody,  
17 during this meeting it is important that prior to  
18 speaking each participant introduce themselves by  
19 stating their name and title so that the record  
20 accurately reflects the proceedings and the public  
21 is properly informed.

22 At this point in time, with the first  
23 issue that we have on the agenda is the adjudication  
24 management policy, C-92. For background on this, to  
25 make sure everybody is on the same page, on

1 March 12, 2020, the Commissioners met and approved  
2 the following motion put forth by Commissioner  
3 Taylor, seconded by me, Mr. Jim Hughes, to suspend  
4 all Commission hearings on March 16, 2020, and  
5 March 17, 2020, and to conduct telephone hearings  
6 for the following issues beginning March 18, 2020,  
7 permanent total disability, for the termination of  
8 temporary total disability, temporary total  
9 disability, for the termination of temporary total  
10 disability wage loss, allowance and additional  
11 allowances.

12 At this point -- prior to that we've  
13 also received -- the Commissioners have received  
14 communication from David Barnhart on March 31, 2020,  
15 regarding hearings of C-92 docketing. He wrote in  
16 his capacity of the Ohio State Bar Association's --  
17 Association, worker's compensation section, and this  
18 letter was in support of this. It's also followed  
19 up with a subsequent letter of March 31, 2020, also  
20 supporting these meetings in terms of requesting  
21 C-92 hearings.

22 At this point I'd like to call our  
23 Director of Adjudication, Tom Connor, to discuss the  
24 matter presented to the Commissioners, please.  
25 Mr. Connor, would you please proceed.

1 MR. CONNOR: This is Tom Connor,  
2 Director of Adjudication. Yes, Chairman, the  
3 request came in so what I -- we've done is pulled  
4 the data to look at what percent or what volume of  
5 outstanding issues the permanent partial or C-92  
6 docket would comprise. And so right now about a  
7 third of our outstanding issues that are waiting  
8 hearing are made up by permanent partial pending  
9 issues.

10 I inquired of each regional manager  
11 whether that volume could be incorporated into what  
12 is currently being docketed. The current docketing  
13 situation is going pretty well. Actually the  
14 hearing officers, as well as the outside  
15 representatives have done a good job of kind of  
16 working together to make the current situation work.  
17 So I asked the regional managers whether they could  
18 begin hearing permanent partial issues. They all  
19 felt confident that they could add that issue to what is  
20 currently being docketed. I've also discussed the  
21 matter with --

22 COMMISSIONER TAYLOR: When you said --  
23 this is Commissioner Jodie Taylor. Tom, you said  
24 you talked to all. Who did you speak to?

25 MR. CONNOR: I'm sorry. Each of --

1 the regional manager of Cleveland, Deb Lynch; the  
2 regional manager of Akron/Youngstown, Pat Gannon;  
3 the regional manager of Toledo,  
4 Mara Spidel Lanzinger; the regional manager of  
5 Cincinnati, Carma Callender; and the regional  
6 manager of Columbus, Felicity Hillmer. I also spoke  
7 to Matt Tyack, who I believe the title is the  
8 chapter president of the union, but he's also a  
9 district hearing officer in Columbus. And he agreed  
10 that he thought this was workable and that it was a  
11 good move to kind of work forward. So we believe  
12 that we could incorporate these hearings into what  
13 we are currently docketing. And so that would be my  
14 recommendation to the Commissioners.

15 CHAIRMAN HUGHES: Are there questions  
16 of Director Connor regarding the issue?

17 Commissioner Dr. Gillmor, do you have  
18 any questions of Director Connor?

19 COMMISSIONER GILLMOR: Thank you.  
20 This is Commissioner Karen Gillmor. In a recent  
21 work report, Mr. Connor, I saw that there was some  
22 difficulty getting dockets filled due to the -- some  
23 inability of examiners to get the claims reviewed  
24 and prepped for hearing. Is that still the case, or  
25 has that resolved?

1 MR. CONNOR: We still are -- I'm  
2 sorry. This is Tom Connor, Director of  
3 Adjudication. We still are seeing some dockets not  
4 filling completely. And I'll kind of get into the  
5 detail here.

6 What the claims examiners currently  
7 have to do is examine the claims and then get them  
8 ready to docket, and then we limit the docket at  
9 that point to the issues that have been approved for  
10 hearing. And so then that limitation makes it so  
11 that only certain claims can be docketed, but adding  
12 issues then would help actually with that issue to  
13 fill dockets. Now, how each individual region might  
14 address this could be a little different.

15 And I would urge the Commission not to  
16 get so into the weeds on how we might want to hear  
17 these because some might add an hour or two at the  
18 end of an allowance docket or the C-92 hearings.  
19 Others might conduct complete docket of C-92  
20 hearings. And I think that flexibility would be the  
21 best way to handle it because of the individual  
22 volume by office as to how we may get to these  
23 claims.

24 COMMISSIONER GILLMOR: This is  
25 Commissioner Karen Gillmor again. I'm still not



1 clear about whether the claims will -- if we add the  
2 C-92 claims, will they be prepped in time for  
3 hearing by the hearing officers? Is there -- is  
4 there going to be a drag there?

5 MR. CONNOR: And this is Tom Connor,  
6 Director of Adjudication. Yes, they will be prepped  
7 because they're in a state of -- they've been  
8 prepped as we identified the issue, they just  
9 haven't been docketed. So they've been prepared  
10 there. And then when I talked to the regional  
11 managers about what was -- and with Matt Tyack, is  
12 would the hearing officers have time to review and  
13 get ready for these dockets in light of what the  
14 current volume is, and I was assured that everyone  
15 felt comfortable that that would be the case.

16 My anticipation is that they would  
17 start by -- normally permanent partials are heard at  
18 about ten an hour. So they would probably start  
19 about six an hour to allow some time for the  
20 logistics of getting people involved in a telephone  
21 hearing. And, again, that goes to why it's probably  
22 better to leave some flexibility because we may find  
23 that six isn't the right number and five is the  
24 right number or eight is the right number, and that  
25 would allow for that kind of flexibility going

1 forward without having to, you know, take formal  
 2 action to realize that.

3 COMMISSIONER GILLMOR: This is  
 4 Commissioner Karen Gillmor. Thank you, Mr. Connor.  
 5 You answered my question. Thanks so much.

6 CHAIRMAN HUGHES: Commissioner  
 7 Dr. Karen Gillmor. Do you have any other questions  
 8 of Director Tom Connor regarding this issue?

9 COMMISSIONER GILLMOR: Commissioner  
 10 Karen Gillmor. No, I don't. Thank you.

11 CHAIRMAN HUGHES: Thank you. This is  
 12 Jim Hughes, Chairman. Thank you.

13 This is Jim Hughes, Chairman. Does  
 14 Commissioner Jodie Taylor have any questions of  
 15 Director Tom Connor regarding this issue?

16 COMMISSIONER TAYLOR: Yes. This is  
 17 Commissioner Jodie Taylor.

18 Mr. Connor, it sounded like to me at  
 19 the end there you were saying we normally docket ten  
 20 per an hour. We're going to be looking at six per  
 21 hour; is that correct?

22 MR. CONNOR: This is Tom Connor,  
 23 Director of Adjudication. Yes. I would recommend  
 24 that that's where we start because that was felt to  
 25 be a good starting point. It may end up being

1 that's the perfect amount, but we could then address  
2 that if we find that that's too many per hour or  
3 they could actually handle a greater volume. And we  
4 could learn from as we go.

5 COMMISSIONER TAYLOR: This is  
6 Commissioner Taylor again. It sounds as though  
7 based upon what Commissioner Gillmor was saying, and  
8 I noticed as well in the weekly reports, that we  
9 have open dockets here and there. So when you first  
10 spoke about it, you discussed it being more of a  
11 filler, and now you're talking about six per hour.  
12 Are you looking at doing them by days? Like a  
13 docket? You know, a C-92 docket for a day, or are  
14 you going to be using it as a filler? Because it  
15 sounds like to me maybe a filler would work better  
16 with the gaps that we have in the docketing.

17 MR. CONNOR: This is Tom Connor,  
18 Director of Adjudication. Actually both. And  
19 that's the flexibility I was talking about. I think  
20 some offices would do well based on their total  
21 volume, how many of their outstanding issues are  
22 comprised of permanent partial hearings. They may  
23 actually choose to approach it by conducting C-92  
24 dockets in kind of the normal fashion, just that six  
25 an hour maybe as a starting point rather than ten.

1 Other offices, if their volume is a little lower,  
2 they may find the best way to get at this issue is  
3 to take what the six hours of docket are currently  
4 doing per day and do four hours of allowance  
5 hearings and two hours of C-92 hearings. And I  
6 think that flexibility based on the experience and  
7 the volume of each office is a good flexibility to  
8 have so that the manager can then address this and  
9 move forward with the issue as what works best for  
10 their individual office.

11 COMMISSIONER TAYLOR: Okay. This is  
12 Commissioner Taylor again. So, Mr. Connor, could  
13 you give me the numbers again? How many do we  
14 have -- C92s right now that need to be -- okay.  
15 Maybe three numbers. What are ready to be docketed  
16 and what numbers do we have for -- that need to be  
17 reviewed and prepared by the claim examiners and how  
18 many are the Bureau holding on to? Because it's my  
19 understanding that the Bureau is not referring these  
20 over to us, so they've kind of built-up, I don't  
21 know, a little backlog out of them to be referred to  
22 us. So could you give me those three numbers? How  
23 many are ready to be docketed now, how many do we  
24 need to prep, and how many does the Bureau have and  
25 you know, when we're going to get that influx?

1 MR. CONNOR: Okay. I'll start with --  
2 I'm sorry. Tom Connor, Director of Adjudication.  
3 I'll start with the last question. BWC I think  
4 really quite frankly to help us, once they realized  
5 we weren't going to be docketing the C-92s, they had  
6 refrained from sending over for hearing. That  
7 volume docket could be in the neighborhood of 2,100  
8 claims that were awaiting referral, and they began  
9 sending those over last week. They're going to kind  
10 of -- they're not sending over in one fell swoop.  
11 They're going to take a couple of weeks to send them  
12 all, but the total volume at that time was about  
13 2,100.

14 As of Monday, there were just short of  
15 11,000 total claims out there that could be heard on  
16 all issues. And of that 11,000, about a third or  
17 actually 3,556 were comprised of pending C-92  
18 issues. So it's about a third of the outstanding  
19 volume.

20 As far as how many are out there that  
21 haven't yet been examined of that other two-thirds  
22 that would on this issue, it's impossible for me to  
23 say. And here's the reason, we don't know the issue  
24 until the claim is examined, and that's when a  
25 claims examiner attaches what the issue is. So we

1 don't know what's pending in the claims that have  
2 not yet been reviewed. So I can't correctly answer  
3 that last part of your question.

4 COMMISSIONER TAYLOR: Okay. This is  
5 Commissioner Taylor. When you said there are 11,000  
6 total claims, is that 11,000 total that we're not  
7 hearing right now, or 11,000 that we still need  
8 to docket?

9 MR. CONNOR: This is Tom Connor,  
10 Director of Adjudication. That's is 11,000 that we  
11 still need to docket. And that's all issues that  
12 could be pending. So they may not be, for lack of a  
13 better term, docketable right now under the current  
14 restrictions.

15 COMMISSIONER TAYLOR: Okay. And this  
16 is Commissioner Taylor. When do you plan on  
17 docketing? What's the first date that this would  
18 start?

19 MR. CONNOR: This is Tom Connor,  
20 Director of Adjudication. I would just recommend --  
21 I can tell you this. Last night -- and because part  
22 of the reason we -- this whole docketing system,  
23 since we had to go to telephonic hearings, has been  
24 a manual docketing system. So we stopped running  
25 the automatic docketing system, which would always

1 docket out a certain number of days. So what I  
2 checked this morning that the -- the day that got  
3 docketed in large part last night was May 5th --  
4 Tuesday, May 5th. However, because these are done  
5 manually and there may be -- there are claims that  
6 have certain circumstances in them that have  
7 prompted other manual scheduling, there are some  
8 schedules already for the 6th, some for the 7th and  
9 as far as out there's one claim docketed I think for  
10 May 26th.

11 So I would urge that if the Commission  
12 wants to go in this direction, that there just be  
13 authority to now begin scheduling permanent partials  
14 in so that therefore later on today or tomorrow, if  
15 it's effective immediately that they can start to  
16 manually schedule those and docket accordingly.  
17 Otherwise, I mean, the Commission could choose the  
18 following, you know, Monday or a given day, but  
19 there are some claims already docketed for the 6th,  
20 7th and 8th, which is Wednesday, Thursday and Friday  
21 of that week early in May.

22 COMMISSIONER TAYLOR: Okay. And for  
23 clarification, this is Commissioner Taylor.

24 CHAIRMAN HUGHES: That's Commissioner  
25 Taylor speaking.

1                   COMMISSIONER TAYLOR: Commissioner  
2 Taylor. I'm not used to having to do that all the  
3 time. This is Commissioner Taylor. And for  
4 clarification, I just want to indicate that the  
5 motion that I made that was seconded by the  
6 Chairman, Mr. Hughes, was to -- I was -- the  
7 language was, I move to suspend all hearings on  
8 March 16th and March 17th, 2020, and conduct  
9 telephone hearings for the following issues only;  
10 permanent total disability, temporary total  
11 disability and termination thereof, wage loss  
12 allowances, additional allowances and all other  
13 issues will be suspended until the state of  
14 emergency is lifted unless a party requests that a  
15 matter be heard. I just want to clarify that was  
16 the motion that I made and was seconded. I have no  
17 further questions for Mr. Connor regarding the C-92  
18 issue.

19                   CHAIRMAN HUGHES: Thank you. This is  
20 Chairman Jim Hughes. Thank you, Commissioner Taylor,  
21 for clarifying that. So noted.

22                   Commissioner Dr. Karen Gillmor, do you  
23 have any questions based upon any of the questions  
24 that Commissioner Taylor raised of Director Tom  
25 Connor?



1                   COMMISSIONER GILLMOR: Commissioner  
2 Karen Gillmor. No. I think Commissioner Taylor was  
3 very thorough. And I think that I want to commend  
4 our staff and the Chairman for the work that they've  
5 done and in thinking through this very difficult  
6 circumstance and trying to get as much input from  
7 stakeholders as possible before these decisions are  
8 made. And certainly consulting Matt Tyack was an  
9 excellent idea because we want to be sure that the  
10 hearing officers are able to handle this additional  
11 work under the difficult circumstances. But thank  
12 you for everything that you're doing everyone. And,  
13 no, I have no further questions.

14                   CHAIRMAN HUGHES: This is Jim Hughes.

15                   COMMISSIONER TAYLOR: This is  
16 Commissioner Jodie Taylor. Chairman Jim Hughes,  
17 this is Commissioner Taylor. I have one other  
18 question for Tom that I forgot to ask.

19                   Mr. Connor --

20                   CHAIRMAN HUGHES: This is Jim Hughes,  
21 please proceed.

22                   COMMISSIONER TAYLOR: Thank you.

23                   Could you explain to me -- I just want  
24 to make sure that we're on the record and we  
25 understand that there's an understanding that

1 medical exams may be difficult if they -- a party  
2 objects to the C-92 or, you know, the C-92A,  
3 permanent partial awards. So could you maybe  
4 explain to us what's going to happen, that these  
5 have to have like medical on both sides? Could you  
6 maybe go on the record and talk about how we're  
7 going to handle situations where maybe someone wants  
8 to get an exam and is not able to because of the  
9 situation that we're in here in this country?

10 MR. CONNOR: Yes. This is Tom Connor,  
11 Director of Adjudication. And that will certainly  
12 present issues. The parties are entitled to their  
13 medical (inaudible). The statutes provide that. So  
14 if the current situation makes it so that a claim  
15 isn't properly, and for lack of a better word,  
16 fairly ready for hearing, we could not go forward in  
17 that situation, and the claim then should be  
18 continued until such time as they reasonably could  
19 conduct that exam. It wouldn't necessarily have to  
20 wait out the telephonic hearing process if the exams  
21 become available before that. But we can't go  
22 forward and adjudicate an issue when a party has  
23 asked to exercise a statutory right that they, under  
24 the current circumstances, simply can't get done.

25 COMMISSIONER TAYLOR: All right. This

1 is Commissioner Taylor. And I have one more I guess  
2 question and -- or maybe I would like to hear what  
3 Mr. Connor has to say about this. You know, we send  
4 out notices on C-92s, and parties do have the right  
5 to attend those C-92 hearings, employers and injured  
6 workers. But, you know, in practice we all know  
7 that those -- attendance is not necessarily  
8 consistent with the C-92 hearings. People mostly do  
9 not attend those.

10 How are we -- are the hearing  
11 officers -- I guess how are we going to deal with  
12 the attendance of an injured worker? I mean, they  
13 do have the right to attend the hearing. Could you  
14 address how that's going to happen? Because I can  
15 see how that might slow down the process of the  
16 hearing officers and processing C-92s with all kinds  
17 of -- with the injured workers and employers calling  
18 in and then participating in these hearings. I  
19 mean, everyone has the right to participate in their  
20 hearing. So --

21 MR. CONNOR: This is Tom Connor,  
22 Director of Adjudication. It's certainly under --  
23 what we're doing today, this would present  
24 additional logistical issues in getting everybody on  
25 the line. Yes, they all get notice of hearing and

1 they all have the right to attend and participate.  
2 The current situation with hearing officers actually  
3 calling out trying to reach all the parties and  
4 representatives would be difficult in a high volume  
5 situation like C-92s, even though the C-92 hearings  
6 probably lend themselves better than any other issue  
7 for telephonic hearings in a vacuum without worrying  
8 about fillers.

9           The good news is by the time that's  
10 effective, 4-27, we will change that process and we  
11 will be using bridge lines where the hearing officer  
12 simply calls in and manages the docket on a bridge  
13 line. In other words, the parties will then -- on  
14 the notice we will inform them it's a telephonic  
15 hearing, and they have a number to call into to  
16 participate. So they will really -- it's not going  
17 to be much different than an in-person situation  
18 where an injured worker or employer has the right to  
19 attend the C-92 hearing. They just don't do it very  
20 often, and it will be a situation where we leave it  
21 to the representatives, if somebody is represented,  
22 to coordinate with their client as to whether they  
23 should participate or not.

24           COMMISSIONER TAYLOR: This is  
25 Commissioner Taylor. Thank you. I just wanted to

1 clarify that the notices will still go out to the  
2 injured workers and the employers, they do have a  
3 right to participate in their hearing, they will be  
4 given a code to participate in the hearing if they  
5 should do so, but we also need to keep in mind high  
6 levels of participation may slow the number down to,  
7 you know, instead of six on hour to less than that  
8 if the hearing officers are having to deal with  
9 multiple parties and people on the lines.

10 So I appreciate Mr. Connor's efforts  
11 in this. And I'd also like to -- I know this is  
12 being heard by the public. I'd also like to say  
13 people need to have patience with this process.  
14 Obviously this is all new for us. Commissioner  
15 Gillmor and myself and Chairman Mr. Hughes are doing  
16 what we can to make sure this is as painless as  
17 possible, but still provide the service to the -- to  
18 the people who live -- the citizens of the state of  
19 Ohio. So with that, those are all the questions I  
20 have, Commissioner -- or Chairman Hughes. Thank  
21 you.

22 CHAIRMAN HUGHES: This is Jim Hughes,  
23 Chairman. Thank you, Commissioner Taylor.

24 Commissioner Dr. Karen Gillmor, do you  
25 have any follow-up questions based upon her

1 questions that she just asked of Director  
2 Tom Connor?

3 COMMISSIONER GILLMOR: Commissioner  
4 Karen Gillmor. No, thank you. I do not.

5 CHAIRMAN HUGHES: This is Chairman  
6 Jim Hughes. Is there any other discussion on this  
7 matter by either of the Commissioners. Commissioner  
8 Taylor or Commissioner Dr. Karen Gillmor?

9 COMMISSIONER GILLMOR: Commissioner  
10 Karen Gillmor. No, I have nothing further.

11 COMMISSIONER TAYLOR: This is  
12 Commissioner Jodie Taylor. No. Thank you.

13 CHAIRMAN HUGHES: This is Jim Hughes,  
14 Chairman. Hearing no further discussion, I move to  
15 add applications for the determination of percentage  
16 of permanent partial disability and/or the increased  
17 permanent partial disability, commonly referred to  
18 as C-92 hearings, to allow matters to be heard  
19 during the currently declared state of emergency.  
20 Do I have a second for this motion?

21 COMMISSIONER TAYLOR: This is  
22 Commissioner Jodie Taylor. I second.

23 CHAIRMAN HUGHES: This is Jim Hughes,  
24 Chairman. It has been properly moved, as well  
25 second in terms of the motion. I'll ask the

1 Executive Director Tim Adams to call the role,  
2 please.

3 MR. ADAMS: This is Tim Adams,  
4 Executive Director of the Ohio Industrial  
5 Commission. As I call each Commissioner's name,  
6 please restate your name and state your vote.

7 Commissioner Karen Gillmor.

8 COMMISSIONER GILLMOR: Commissioner  
9 Karen Gillmor. Yes.

10 MR. ADAMS: Commissioner Taylor.

11 COMMISSIONER TAYLOR: Commissioner  
12 Jodie Taylor. Yes.

13 MR. ADAMS: Chairman Hughes.

14 CHAIRMAN HUGHES: Chairman Jim Hughes.  
15 Yes. The motion does have the necessary votes.  
16 This is Jim Hughes, Chairman. The motion does have  
17 the necessary votes and therefore approved.

18 At this point in time I will now move  
19 to our second item on our agenda, which is the  
20 statewide hearing officer meeting that is currently  
21 scheduled for September 14th and 15th, which is to  
22 be held at Nationwide training facility in Columbus.  
23 By background on March 9, 2020, a memo was issued by  
24 Governor Mike DeWine's office regarding State  
25 employee travel restriction. This memo read in part

1 the travel that is prepaid and deemed mission  
2 critical may only continue approved by agency  
3 directors. All other travel must be postponed or  
4 canceled. It includes non-essential meetings,  
5 gatherings, workshops or training sessions.

6 This Industrial Commission entered  
7 into a contract for the statewide hearing officers,  
8 which was as I mentioned, scheduled to be held on  
9 September 14th and 15th. The actual contract  
10 provides for a sliding scale reservation cancelation  
11 and requires 50 percent of the cost if a contract is  
12 canceled from six months to three months from the  
13 start date. Part of the contract also provides for  
14 rights of termination for cause. That section  
15 provides performance under this agreement is subject  
16 to acts of God, government regulation, disaster,  
17 war, acts of terrorism, strike, civil disorder,  
18 curtailment of transportation facilities or other  
19 emergency of causal nature beyond the parties'  
20 control making it possible and legal with materials  
21 sent to the parties going to perform this obligation  
22 and agreement.

23 At this point in time I'd like to call  
24 upon once again, Tom Connor, our Director of  
25 Adjudication, as well as our Chief Training Officer,



1 Laura Schank, to discuss this issue with the  
2 Commission, please.

3 MR. CONNOR: This is Tom Connor,  
4 Director of Adjudication. As it's just been stated,  
5 we have a situation where the Governor's order would  
6 seem to preclude us moving forward with the  
7 statewide meeting at this time. It is certainly  
8 regretful, but it's just the nature of the current  
9 situation. It will be great if things change and  
10 we're able to either get it scheduled again same  
11 time or later in the fall. And I've done little --  
12 Laura Schank has done most of the work on the  
13 negotiation of the dates. I'll let her speak to  
14 that.

15 But that would be great. I mean, it's  
16 a good opportunity for the Commission, as well as  
17 the outside representatives for us all to get together  
18 and get a consistent message. However, the current  
19 situation makes it where that's not the way we can  
20 move forward, it appears to me. And so I just --  
21 that's the issue that the Commission -- because the  
22 Commission had voted to conduct the meeting, and  
23 actively always participates in how it is set up, it  
24 takes Commission action to make a change.

25 CHAIRMAN HUGHES: This is Jim Hughes,

1 Chairman. Does our Chief Training Officer,  
2 Laura Schank, would you like to comment to the  
3 Commissioners, please.

4 MS. SHANK: This is Hearing Officer  
5 Trainer Laura Schank. At this point in time I am  
6 well aware of the Governor's instructions on this.  
7 I completely concur and understand why it may be  
8 necessary to cancel those dates, at least for the  
9 statewide hearing officer meeting at this time. I'm  
10 also aware of the sliding scale. It will increase a  
11 higher cost to the Commission if we do not cancel it  
12 in a timely manner. I believe that other dates may  
13 be available. However, it does take some time to  
14 put this together both from the Commission's  
15 standpoint and the speakers, as well as everyone  
16 else. So at this point I would recommend the  
17 cancelation and looking for alternatives, if we are  
18 able to do that in the near future.

19 CHAIRMAN HUGHES: This is Jim Hughes,  
20 Chairman. I'm going to call upon the Commissioners  
21 to see if they have any questions either of you two,  
22 please.

23 First, I'll go to Commissioner  
24 Dr. Karen Gillmor. Do you have any questions of  
25 either one of these two, please?

1                   COMMISSIONER GILLMOR: This is  
2 Commissioner Gillmor. Ms. Schank, will we also be  
3 considering other venues if, in fact, the State  
4 reopens before this fall? Might -- if we have to  
5 let the Nationwide venue go, and they have no other  
6 dates that will fit our requirements at that venue,  
7 would we be considering other venues such as the  
8 William Green building auditorium on the second  
9 floor or other places? And because I too agree that  
10 the statewide hearing officer meeting as we all come  
11 together in one place is highly valuable, and I'd  
12 like to preserve it if circumstances allow.

13                   MS. SHANK: If Nationwide has other  
14 dates available or perhaps it could occur that our  
15 dates may not fill, so if situations -- the  
16 situation changes, it may be possible to obtain  
17 those dates, provided we can get all of the work  
18 done that is required in putting this together at a  
19 later time. It may be -- it may be the circumstance  
20 that Nationwide does not have those dates available  
21 or any other dates that will work with our agency,  
22 and at that time we would have to look for another  
23 venue.

24                   The caution I have with looking for  
25 another venue is that the William Green auditorium

1 is certainly a possibility and probably the most  
2 likely. This tends to be a very large group. We  
3 actually maxed out the facility last year in 2019,  
4 and for the first time in a number of years had to  
5 refuse a few attendees. That being the case, it is  
6 very difficult to find a facility of that size that  
7 can accommodate that group. We would certainly look  
8 into that and look for those types of alternatives,  
9 but there are some hurdles that will have to be  
10 overcome in that regard.

11 COMMISSIONER GILLMOR: This is  
12 Commissioner Gillmor. Thank you very much.

13 MS. SHANK: You're welcome.

14 CHAIRMAN HUGHES: This is Jim Hughes,  
15 Chairman. Commissioner Gillmor, does that conclude  
16 your questions of those two on this issue?

17 COMMISSIONER GILLMOR: Commissioner  
18 Gillmor. Yes, it does.

19 CHAIRMAN HUGHES: This is Jim Hughes,  
20 Chairman. Thank you.

21 I'll now go to Commissioner Jodie  
22 Taylor to see if she has any questions of either one  
23 of these two regarding this issue.

24 COMMISSIONER TAYLOR: This is  
25 Commissioner Taylor. Yeah. I'm not sure who wants

1 to answer this, either Mr. Connor or Ms. Schank, but  
2 were we able to fall underneath that part of the  
3 contract for an emergency to I guess withdraw from  
4 the contract?

5 MS. SHANK: This is Laura Schank,  
6 Hearing Officer Trainer. And that question I would  
7 defer to Tom or Chief Legal Counsel Jim Burkart.

8 MR. CONNOR: This is Tom Connor,  
9 Director of Adjudication. I was going to defer to  
10 Laura, but I'll go ahead and take a shot at it. I  
11 think the issue is before we can take any action, we  
12 needed Commission action. So I think we're in good  
13 standing, but I think it's a situation where now --  
14 or when after today we will know whether we have  
15 authority to actually have that discussion with  
16 Nationwide, which might have been a little bit  
17 premature before today.

18 COMMISSIONER TAYLOR: This is  
19 Commissioner Taylor. Okay. Thank you. Those  
20 are -- that's the only question I have. I just want  
21 to reiterate too I think it's also very important to  
22 have the statewide hearing officer training. And  
23 it's an opportunity for not just the Commission to  
24 get together, but also for the entire practice. And  
25 I think -- once the State reopens, I think we're all

1 going to need that more than anything else to try to  
2 reconnect with each other. So I just want to  
3 reiterate that I think it's a great learning tool,  
4 but it's also an important tool in maintaining ties  
5 to our community. So as soon as the State reopens,  
6 I would like the Commission to consider dates and to  
7 find a place to facilitate having a statewide  
8 hearing officer meeting again. Thank you.

9           CHAIRMAN HUGHES: This is Jim Hughes,  
10 Chairman. Thank you, Ms. Taylor. I also too want  
11 to echo what my fellow Commissioners have said.  
12 I've only been to one of these, as far as a  
13 Commissioner, but others as outside counsel. It  
14 also gives outside counsel a great opportunity to  
15 come in with the interaction, as well as for all of  
16 us to get together in the practice to learn and  
17 share ideas with each other. So I also echo what my  
18 fellow Commissioner said in terms of we need to  
19 continue doing this as soon as the -- we get back to  
20 what we hope to be normal very soon.

21           I do have a question of Chief Training  
22 Officer Schank, though. As far as would it help  
23 you -- since we are looking at an unknown, we don't  
24 know when our country is going to come back to  
25 normal, as well as our state, but do you need any --

1 would you like the Commission to approve any  
2 alternate training methods, as far as video  
3 conferencing, webinars or other available means to  
4 train the hearing officers if, God forbid, that we  
5 can't do this in the fall? Would that help you to  
6 try to make sure that our training officers are at  
7 least trained somewhat, as well as what we normally  
8 would have this? Is that something you would like  
9 us to do?

10 And either you can answer this or  
11 Director Tom Connor.

12 MS. SHANK: Thank you. This is  
13 Hearing Officer Trainer Laura Schank. Mr. Connor  
14 and I have -- Director of Adjudication Services,  
15 have talked about this very preliminarily. There  
16 are some other options that may be available for  
17 rolling out an additional type of training if the  
18 statewide hearing officer meetings is not able to  
19 occur at that time or at a later time.

20 We can do it in several ways. We can  
21 do it as just regional training, but that would not  
22 include the outside parties. We both understand the  
23 value of having the outside parties, and it is an  
24 excellent gathering every year with good information  
25 provided. If there's any way we can do that, that

1 would be an option and our preference in doing that.

2 If we cannot do that, at this point  
3 the Industrial Commission, I understand, does not  
4 have the technology to do a large webinar, but that  
5 would certainly be something that we would like to  
6 be able to consider if it comes to that in the  
7 future.

8 And I don't know if the Director of  
9 Adjudication Services has anything else he'd like to  
10 add.

11 MR. CONNOR: This is Tom Connor,  
12 Director of Adjudication. I don't really have  
13 anything to add. It's one of these that we're kind  
14 of evaluating. And if we come across what we think  
15 is a good option that requires, you know, Commission  
16 action, we will certainly make you aware. But it's  
17 just hard to say right now because there's different  
18 possibilities, but they all have hurdles that we'll  
19 have to -- and so we have a better feel for what  
20 technologically might be the best route to go and  
21 make a recommendation to the Commission. I don't  
22 think action is necessary today, I guess is my  
23 point.

24 CHAIRMAN HUGHES: This is Jim Hughes,  
25 Chairman.



1 MS. SHANK: And this is Hearing  
2 Officer --

3 CHAIRMAN HUGHES: Go ahead. I'm  
4 sorry. Go ahead.

5 MS. SHANK: Hearing Officer Trainer  
6 Laura Schank. I was just going to concur with both  
7 statements with Mr. Connor. It's just a little  
8 premature right now.

9 CHAIRMAN HUGHES: This is Jim Hughes,  
10 Chairman. Thank you both for those answers. Do  
11 either one of the Commissioners have any follow-up  
12 questions based upon my question?

13 Commissioner Dr. Karen Gillmor, do you  
14 have any follow ups to what I asked or to what  
15 Commissioner Taylor asked?

16 COMMISSIONER GILLMOR: This is  
17 Commissioner Karen Gillmor. I would just encourage  
18 us to pursue as quickly as possible the ramification  
19 of canceling a contract with Nationwide. I would  
20 have thought we would know that today because in  
21 this time of fiscal constraint, it would be helpful  
22 to know if we're going to lose any money in this  
23 venture. That's my only comment. It's not a  
24 question. It's just a comment. Thank you. That's  
25 all I have.

1                   CHAIRMAN HUGHES: This is Jim Hughes,  
2 Chairman. Thank you very much Commissioner  
3 Dr. Karen Gillmor for those comments.

4                   Commissioner Jodie Taylor, do you have  
5 any comments based on either what Commissioner  
6 Dr. Karen Gillmor stated or the questions I asked of  
7 either Director Tom Connor or of Hearing Officer  
8 Laura Schank?

9                   COMMISSIONER TAYLOR: This is  
10 Commissioner Taylor. I just have a follow-up. We  
11 normally -- this is for Hearing Officer Trainer  
12 Laura Schank. We normally have regional training at  
13 this time. And I understand that we canceled that  
14 regional training this time of the year, and I  
15 believe packets were sent to the hearing officers.  
16 Did we do anything I guess video-wise or anything,  
17 or was the only thing that was sent to them was a  
18 packet that we were going to work off of for the  
19 regional training?

20                  MS. SHANK: This is Hearing Officer  
21 Trainer Laura Schank. Thank you for the question.  
22 At this time those packets have not been sent. The  
23 only thing we sent out was the case law update for  
24 the hearing officers to review, if they have any  
25 downtime during their review process at home.

1 I am working currently with  
2 Adjudication Director Tom Connor, as well as  
3 Renee Davis-Carroll in our training department and  
4 HR. And we are putting together five  
5 presentations -- video presentations, and we will be  
6 rolling those out through OhioLearns for the medical  
7 update section of regional training and the training  
8 update section of regional training.

9 I will also then be sending out the  
10 full packet of the handouts to the hearing officers  
11 and all attendees to have to follow along with those  
12 two online trainings. They will be mandatory  
13 trainings, and we will be able to track the  
14 logistics of who has completed the trainings. This  
15 has taken some time to put together because of the  
16 technicality and the logistics of remote working.  
17 We thought we had it just about ready to roll by the  
18 end of this week, but we've run into another  
19 technical snag, so it may be another week or so  
20 before we're able to roll that out, but that is the  
21 process -- that is the plan at this point.

22 COMMISSIONER TAYLOR: This is  
23 Commissioner Taylor. Just following up, I mean, I  
24 know that this would be like not ideal and clearly  
25 not preferential and not our preference. But if

1 something would happen and we would not be able to  
2 conduct a statewide hearing officer meeting this  
3 year -- or this fall in any manner, maybe we could  
4 work and use the same tools that you're using now  
5 for the regional training to kind of follow up with  
6 what Chairman Hughes said. You know, use those  
7 same tools that we're using now for regional  
8 training. I know there are bugs that we're working  
9 out in trying to make that work, but we can kind of  
10 maybe use that in the fall as maybe last resort  
11 options to provide training for our hearing  
12 officers. So that's all the questions that I have.  
13 Thank you.

14 CHAIRMAN HUGHES: This is  
15 Jim Hughes -- go ahead. I'm sorry.

16 MS. SHANK: I'm sorry. This is  
17 Hearing Officer Trainer Laura Schank. If I may  
18 respond to that? That is certainly an option if we  
19 end up rolling this -- the fall training out to only  
20 hearing officers and IC staff. But my understanding  
21 is we would not be able to utilize that particular  
22 format for outside parties.

23 COMMISSIONER TAYLOR: This is  
24 Commissioner Taylor. And I'd also like to point out  
25 too that if we only do it internally, I don't know

1 that we can get CLEs for that for our hearing  
2 officers. And our hearing officers get a  
3 significant numbers of CLEs for that training, the  
4 statewide hearing officer training. So they would  
5 have to make that up somewhere else, unless the  
6 Supreme Court makes changes and allows us to do that  
7 since we're in this state of emergency and dealing  
8 with a pandemic.

9 So that's all the comments that I  
10 have. And if anyone wants -- if I'm wrong about the  
11 internal training being eligible for CLEs, please  
12 correct me, but that was my understanding from the  
13 past dealings with the Supreme Court. Thank you.

14 CHAIRMAN HUGHES: This is Jim Hughes,  
15 Chairman of the Industrial Commission. Commissioner  
16 Taylor, it's my understanding you are correct in  
17 terms of the statement you made. And that is also  
18 subject to change, as you stated, from the Supreme  
19 Court what they may or may not do in terms of the  
20 situation that we're in.

21 Is there any other discussion from  
22 either one of the Commissioners regarding this  
23 issue?

24 COMMISSIONER GILLMOR: Commissioner  
25 Karen Gillmor. No. Thank you.

1 CHAIRMAN HUGHES: Commissioner Taylor.

2 COMMISSIONER TAYLOR: Commissioner

3 Jodie Taylor. No. Thank you.

4 CHAIRMAN HUGHES: This is Jim Hughes,  
5 Chairman. Thank you.

6 Then I offer for the following motion  
7 for the purpose of complying with the declared state  
8 of emergency to limitations of travel and  
9 expenditures. I move the Ohio Industrial Commission  
10 authorize the cancelation of the current contract of  
11 the statewide hearing officer meeting. Do we have a  
12 second for that motion, please?

13 COMMISSIONER TAYLOR: Commissioner  
14 Jodie Taylor. I second.

15 CHAIRMAN HUGHES: It has been -- this  
16 is Jim Hughes, Chairman. It has been properly moved  
17 and seconded, a motion. At this time I will call  
18 upon the Executive Director Tim Adams to call the  
19 role, please.

20 Mr. Adams.

21 MR. ADAMS: This is Tim Adams,  
22 Executive Director of the Ohio Industrial  
23 Commission. As I call each Commissioner's name,  
24 please restate your name and state your vote.

25 Commissioner Gillmor.

1 COMMISSIONER GILLMOR: Commissioner  
 2 Karen Gillmor. Yes.

3 MR. ADAMS: Commissioner Taylor.

4 COMMISSIONER TAYLOR: Commissioner  
 5 Jodie Taylor. Yes.

6 MR. ADAMS: Chairman Hughes.

7 CHAIRMAN HUGHES: Chairman Jim Hughes.  
 8 Yes. The motion -- this is Jim Hughes, Chairman.  
 9 The motion does have the necessary votes being three  
 10 to zero, so the motion does pass. That is our last  
 11 item on the agenda today.

12 At this point I want to thank all the  
 13 parties for their patience in terms of this. I know  
 14 we prefer the old way, as far as having this in, but  
 15 we're trying to adapt with the cards we've been  
 16 dealt. But I want to thank everybody for their  
 17 attention today and also wish them to be safe. And  
 18 I will, therefore, adjourn the meeting. And have a  
 19 great day. Thank you.

20 - - -

21 (End of recording.)

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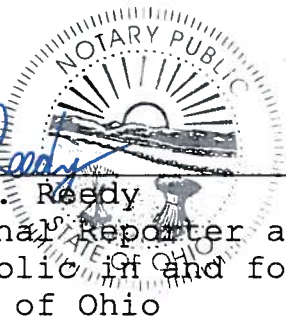
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C-E-R-T-I-F-I-C-A-T-E

I do hereby certify that the foregoing is a true, correct and complete written transcript of the audiotaped proceedings in this matter, reduced by me into stenotypy, to the best of my ability, and transcribed from my stenographic notes on the 21st day of June, 2021.

  
\_\_\_\_\_  
Jillian M. Reedy  
Professional Reporter and  
Notary Public in and for  
the State of Ohio



My Commission expires February 13, 2026.