

OHIO INDUSTRIAL COMMISSION

- - -

- - -

AUDIO TRANSCRIPT
March 22, 2021

- - -

Jillian Reedy
Professional Reporter

- - -

- - -

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

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
- Chief Information Office Bob Osborne

- - -

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

2 - - -

3 CHAIRMAN HUGHES: Good morning. This
4 is Chairman Jim Hughes. A special meeting of the
5 Ohio Industrial Commission is now called to order.
6 This meeting is being conducted telephonically and
7 is being streamed on the Ohio Industrial
8 Commission's YouTube channel. The link to listen to
9 our meeting is available on our public website.
10 This meeting is being conducted in this format as a
11 precaution against the spread of the Coronavirus
12 Covid-19 in accordance with Substitute House Bill
13 404 signed into law by Governor Mike DeWine and
14 effective on November 23, 2020, which extended the
15 time period which public bodies may hold remote
16 meetings.

17 The purpose of this special meeting is
18 limited to the following; renewal agreement for
19 Chief Medical Advisor Terrence B. Welsh, MD, LLC,
20 approval of using web based technology for Ohio
21 Industrial Commission hearings.

22 During this meeting, it is important
23 that prior to speaking each participant introduce
24 themselves by stating their name and title. This is
25 so the record accurately reflects the proceeding and

1 the public is properly informed. I now ask our
 2 Executive Director, Mr. Tim Adams, to call the role.

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

7 Commissioner Karen Gillmor.

8 COMMISSIONER GILLMOR: Commissioner
 9 Karen Gillmor. Here.

10 MR. ADAMS: Commissioner Jodie Taylor.

11 COMMISSIONER TAYLOR: Commissioner
 12 Taylor. Here.

13 MR. ADAMS: Chairman Jim Hughes.

14 CHAIRMAN HUGHES: Chairman Jim Hughes.
 15 Present.

16 This is Chairman Jim Hughes. Let the
 17 record show that a quorum is present and now the
 18 floor is open to discuss renewal agreement for Chief
 19 Medical Advisor Terrence B. Welsh, MD, LLC. At this
 20 point in time, I'll call upon Mr. Tom Connor, our
 21 Director of Adjudication.

22 Mr. Connor, good morning.

23 MR. CONNOR: Good morning. This is
 24 Tom Connor, Director of Adjudication. The purpose
 25 of this on the agenda today is simply to get

1 approval of the Commissioners to seek the renewal of
2 Dr. Welsh's agreement. Dr. Welsh signed the initial
3 agreement in 2019 and has provided valuable
4 services. I believe the hearing officers have found
5 his input in both training and when answering
6 questions to be very valuable. Dr. Welsh is
7 interested in returning.

8 It should be noted that when -- when
9 working through the budgetary issues of this past
10 difficult year, Dr. Welsh did work with us and agree
11 to modify his contract, and to some extent to try to
12 help with that issue. The intent here is to -- if
13 the Commission is desirous of doing this, is to move
14 forward and return the agreement to its original
15 standing effective July 1st. So like I said, the
16 purpose is to obtain the approval of the Commission
17 to move forward with the renewal of Dr. Welsh, and
18 that will take some controlling board activity in
19 the coming couple of months.

20 CHAIRMAN HUGHES: This is Jim Hughes,
21 Chairman. Thank you, Mr. Tom Connor, Director of
22 Adjudication for that.

23 Are there any questions or any other
24 further discussion for Mr. Tom Connor, Director of
25 Adjudication? Hearing none, I, Jim Hughes,

1 Chairman, move to approve the renewal agreement of
2 Chief Medical Advisor Terrence B. Welsh, MD, LLC.

3 May I have a second for this motion, please?

4 COMMISSIONER TAYLOR: This is
5 Commissioner Taylor. I will second -- I didn't get
6 to chime in quick enough to ask Tom a question.

7 CHAIRMAN HUGHES: This is Jim Hughes,
8 Chairman. I apologize, Commissioner Taylor. Please
9 proceed with the question that you had for
10 Mr. Tom Connor, Director of Adjudication.

11 COMMISSIONER TAYLOR: This is
12 Commissioner Taylor. Tom, I just wanted to ask and
13 clarify I guess more for the record that this is a
14 two-year extension?

15 CHAIRMAN HUGHES: Tom Connor, Director
16 of Adjudication, please proceed.

17 MR. CONNOR: This is Tom Connor,
18 Director of Adjudication. I -- I think the intent
19 is to -- but I'm -- the intent is to go for two
20 years, but I will defer to Jim Burkart on that
21 because I know he's been working on the drafting. I
22 think that is the way this normally works, but since
23 I haven't been working on the drafting, I'd rather
24 let Jim speak to that.

25 MR. BURKART: Hi, Commissioner Taylor.

1 This is Jim Burkart, Chief Legal Counsel for the
2 Ohio Industrial Commission. The current contract in
3 place provides an option for a two-year extension of
4 the agreement. And this is an opportunity for the
5 Industrial Commission to exercise that option. We
6 have drafted the addendum to the contract. And once
7 the Commission, if the Commission so chooses, to
8 exercise their option, then we will proceed to
9 exercise that addendum, and it would go before the
10 controlling board.

11 COMMISSIONER TAYLOR: Okay. This is
12 Commissioner Taylor. I just have one further
13 follow-up question. So the contract will run from
14 July 1, 2021, through July -- or June 30, 2023; is
15 that correct?

16 MR. BURKART: Yes, Commissioner
17 Taylor. That's correct.

18 CHAIRMAN HUGHES: This is Jim Hughes,
19 Chairman. That was Jim Burkart, Chief Legal
20 Counsel, answering, yes, it would.

21 Commissioner Taylor, do you have a
22 follow-up for that?

23 COMMISSIONER TAYLOR: This is
24 Commissioner Taylor. No, I have no further
25 questions. Thank you.

1 CHAIRMAN HUGHES: This is Chairman
2 Jim Hughes.

3 Commissioner Gillmor, do you have any
4 questions based upon Commissioner Taylor's
5 questions?

6 COMMISSIONER GILLMOR: This is
7 Commissioner Gillmor. I don't have any questions,
8 but I would comment that in the past, and I'm sure
9 in the present, Dr. Welsh has done an extremely
10 outstanding job for us and is very easy to work
11 with, very easy to understand and we have always
12 found him helpful. So I'm very glad that he will be
13 returning.

14 CHAIRMAN HUGHES: This is Chairman
15 Jim Hughes. Thank you, Commissioner Gillmor, for
16 those words. I think they're echoed by myself and our
17 other colleague, Commissioner Taylor.

18 Is there anymore discussion on the
19 motion that has been made, that has been properly
20 moved and second? Hearing none, I will ask
21 Executive Director, Mr. Tim Adams, to call the roll,
22 please.

23 MR. ADAMS: This is Tim Adams,
24 Executive Director of the Ohio Industrial
25 Commission. As I call your name, please restate

1 your name and state your vote.

2 Commissioner Karen Gillmor.

3 COMMISSIONER GILLMOR: Commissioner
4 Gillmor. Yes.

5 MR. ADAMS: Commissioner Jodie Taylor.

6 COMMISSIONER TAYLOR: Commissioner
7 Taylor. Yes.

8 MR. ADAMS: Chairman Jim Hughes.

9 CHAIRMAN HUGHES: Chairman Jim Hughes.
10 Yes.

11 The motion now having been passed
12 unanimously, has the proper number of votes for it to
13 be carried. So we'll now move to the second order of
14 our business, which is discussions regarding the
15 approval for the web based technology for the Ohio
16 Industrial Commission hearings. Once, again, I'll
17 call upon Mr. Tom Connor, as our Director of
18 Adjudication, to talk to the Commission regarding
19 this.

20 Mr. Tom Connor.

21 MR. CONNOR: This is Tom Connor,
22 Director of Adjudication. I think as the
23 Commissioners are aware, and they have been dealing
24 with this a little bit, the telephone based
25 technology that we started with some nine or ten

1 months ago was a great way of allowing us to
2 continue to conduct hearings in a timely manner, but
3 it is technology that really is, we're finding, not
4 robust enough for our volume. And it's suffering
5 from a situation where its continued support, it is
6 not necessarily -- as a platform is not necessarily
7 in support.

8 So the desire is to move to a web
9 connected or web conferencing technology, which will
10 allow for more robust, more updated platform to
11 conduct the hearings. That should greatly reduce,
12 if not eliminate, the dropped calls, the missing
13 audio from calls that the outside parties and the
14 hearing officers have been dealing with here in the
15 last few months, especially it seems like that is
16 getting a little bit worse.

17 Now, the WebEx technology does allow
18 both video and audio. The purpose of us moving at
19 this point quite frankly is to replace the telephone
20 technology. So the need to use audio -- or video is
21 not a necessary limit of this. It is important to
22 make this move, even audio only, just to get us off
23 of the current platform and allow for a more
24 efficient way for the hearing officers to conduct
25 business, as well as providing some extra tools for

1 the hearing officers to deal with the parties so the
2 hearings aren't interrupted when a new party joins
3 in and that type of thing. So that is up to the
4 Commissioners how they want to handle video and
5 audio, but audio only even is a big step in the
6 right direction.

7 CHAIRMAN HUGHES: This is Jim Hughes,
8 Chairman. Thank you, Mr. Tom Connor, Director of
9 Adjudication, for that.

10 One thing I want to make sure people
11 understand. Will this hopefully help to improve any
12 dropped calls that unfortunately we've been all
13 experiencing with the current platform that we have?
14 Is that one of the goals of what we're trying to do
15 here, Mr. Connor?

16 MR. CONNOR: This is Tom Connor,
17 Director of Adjudication, yes. Because it will --
18 what it will do is allow parties who aren't desirous
19 of it, much like we're doing right here. Today's
20 meeting of the Commission has some people calling in
21 and some people connecting through the web. It will
22 get traffic off of those phone connections and it
23 will allow us -- and it's that traffic -- it's that
24 volume of traffic that drives the dropped calls and
25 that type of problem. So that should allow for that

1 situation to if not eliminate, it will be greatly
2 reduced.

3 CHAIRMAN HUGHES: This is Jim Hughes,
4 Chairman. At this point in time, I want to open up
5 for my fellow Commissioners and see if they have any
6 questions of Mr. Tom Connor and this web based issue
7 that we're talking about this morning.

8 COMMISSIONER GILLMOR: This is
9 Commissioner Gillmor.

10 CHAIRMAN HUGHES: Commissioner
11 Gillmor. Go right ahead.

12 COMMISSIONER GILLMOR: This is
13 Commissioner Gillmor. I just had a quick question.
14 Mr. Connor, when would using the WebEx begin?

15 MR. CONNOR: This is Tom Connor,
16 Director of Adjudication. We would like to target
17 middle of April quite frankly. Maybe Monday,
18 April 19th, is what we're really hoping for because
19 we have to modify the notices a little bit. And
20 that's been one of the challenges in trying to move
21 in this direction is to allow for us to put
22 information on a written notice that parties get it
23 so that they're aware they can either call in to a
24 certain number or they can connect via the web into
25 the hearing. And we've made those changes in draft

1 form to the notice. So once we have approval of the
2 Commissioners, then we can ensure that the notices
3 that go out for the 19th would have that new
4 information on it.

5 COMMISSIONER GILLMOR: This is
6 Commissioner Gillmor. Thank you. I have no more
7 questions.

8 CHAIRMAN HUGHES: This is Chairman
9 Jim Hughes. Thank you, Commissioner Gillmor for
10 those questions.

11 Does Commissioner Taylor have any
12 questions regarding this?

13 COMMISSIONER TAYLOR: This is
14 Commissioner Taylor. Yes, I have a couple of
15 questions. But my questions probably should be best
16 answered by Bob Osborne.

17 Mr. Osborne, are you there?

18 MR. OSBORNE: Commissioner Taylor, I'm
19 here. This is Bob Osborne, Chief Information
20 Officer.

21 COMMISSIONER TAYLOR: Thank you. This
22 is Commissioner Taylor. Bob, I just wanted to ask a
23 couple of questions regarding some information on --
24 I mean, how many calls are we -- what's our current
25 volume on this bridge right now?

1 MR. OSBORNE: At present I can't give
2 you an exact -- I'm sorry. This is Bob Osborne,
3 Chief Information Officer. I can't give you an
4 exact volume because of the number of parties that
5 call in per hearing. But at present we're running
6 three hearings per hour at seven hours per day and
7 approximately five parties to each hearing. So I
8 don't have those numbers directly in front of me. I
9 apologize. But the volume is quite large. And
10 moving from the bridge line to the WebEx session
11 would reduce greatly the number of calls coming in
12 across telephone lines.

13 COMMISSIONER TAYLOR: This is
14 Commissioner Taylor. So I have -- I guess I'm
15 trying to get a general graph. So the information
16 you gave me is fine. Seven hours of hearings per
17 day and that's per hearing officer and that's three
18 per hour and about five per hearing of parties are
19 attending. So you can get up to 15 parties on a
20 bridge line in one hour. And if that's incorrect,
21 let me know.

22 So what -- what -- what information do
23 you have on the volume of calls that are being
24 dropped, and how are we able to track those?

25 MR. OSBORNE: This is Bob Osborne,

1 Chief Information Officer. Unfortunately the bridge
2 lines are contracted through CPTS, and as this
3 product has been depreciated or end of lifed, they
4 are unable to provide support beyond a -- for lack
5 of a better term, a red light, green light scenario,
6 meaning that the bridges are answering or not
7 answering calls. We have asked, as we've
8 experienced these issues, for them to dig in deeper
9 and give us connective rates and failure rates and
10 they are unable to do so at this point.

11 COMMISSIONER TAYLOR: Okay. This is
12 Commissioner Taylor. So when you say -- what is
13 CPTS?

14 MR. OSBORNE: This is Bob Osborne,
15 Chief Information Officer. CPTS is the contractor
16 that provides the bridge line services as contracted
17 through the Office of Information Technology.

18 COMMISSIONER TAYLOR: This is
19 Commissioner Taylor. And the Office of Information
20 Technology is through DAS; is that correct?

21 MR. OSBORNE: Bob Osborne, Chief
22 Information Officer. Yes, Mrs. Taylor, that's
23 correct.

24 COMMISSIONER TAYLOR: All right. This
25 is Commissioner Taylor. So we switch over to the

1 web based. How is that going to be different than
2 the bridge line? I mean, other than getting on the
3 web, are we still going to be able to -- I mean, I
4 guess I'm asking, where is that being contracted
5 from and who's going to be handling that?

6 MR. OSBORNE: This is Bob Osborne,
7 Chief Information Officer. We will still be using
8 the Office of Information Technology through DAS.
9 Additionally we were using Sysco, who provides the
10 WebEx services. And for those who dial in, CPTS
11 will still be involved, however, their involvement
12 is different in that it's just a handoff onto
13 Sysco's system. So what's different is that in the
14 current bridge line, CPTS handles all connectivity.

15 In the new scenario, Sysco's
16 infrastructure will be the active infrastructure.
17 CPTS will be passing the conversation over for those
18 who choose to dial in. Outside of that, those who
19 choose to join via the web or via a desktop client
20 will be using their internet connectivity. And in
21 more instances than not, we have a number of
22 customers who have better internet connectivity than
23 they do cell phone service as they're dialing in.
24 So we expect to see the improvement in service from
25 that respect.

1 COMMISSIONER TAYLOR: Okay. This is
2 Commissioner Taylor. So Sysco is going to be
3 handling it. And I guess my question, would our
4 contract be with Sysco or is it going to be with OIT
5 still?

6 MR. OSBORNE: This is Bob Osborne,
7 Chief Information Officer. Our contract remains
8 with OIT. The lines are billed at a rate per month
9 and the contract was just reinitiated or re-signed,
10 I apologize, from OIT with Sysco, and it's for a
11 period of two years. We do not have to sign a
12 two-year agreement. Ours is month to month.

13 COMMISSIONER TAYLOR: Okay. Month to
14 month. All right. Thank you, Bob. This is
15 Commissioner Taylor.

16 And I still have I guess a couple of
17 questions for Tom Connor. Tom, right now my
18 understanding is that when the Commission approved
19 doing telephone hearings, we approved them to
20 only -- to only authorize telephone hearings, and
21 then I think it's up until -- until otherwise
22 directed by the Commission. And I guess my question
23 is, are we conducting video hearings and could you
24 set forth the circumstances that we are conducting
25 video hearings versus audio hearings?

1 MR. CONNOR: This is Tom Connor,
2 Director of Adjudication. The only hearings outside
3 of telephone that we've been conducting is using the
4 Teams format in situations where there's a hearing
5 impaired situation. Where we're trying to use
6 either an American sign language interpreter or a
7 closed captioning function. And obviously you need
8 to have a video component to do that. So we had not
9 been conducting hearings in those claims for a
10 period of time in hopes that things were going to
11 change. But when the months went by without much
12 change, the only way we could offer hearings to
13 those folks with a hearing impairment was to use the
14 Teams technology. Absent that issue, all the other
15 hearings are going forward via telephone.

16 COMMISSIONER TAYLOR: And this is
17 Commissioner Taylor. Would -- under the web based,
18 would they still, the hearing impaired people -- I
19 guess hearings involving hearing impaired employers
20 or injured workers, would they be able to
21 participate still via the video option, or would
22 they have to still do the Teams format that you just
23 referenced?

24 MR. CONNOR: This is Tom Connor,
25 Director of Adjudication. I believe right now the

1 closed captioning, if that is required -- although
2 we're looking at a solution. We think one of our
3 interpreter services can help us with that. That is
4 a challenge because some of the providers like Teams
5 offer it whereas WebEx may not. If the sign
6 language is the method that is required, then just
7 the video is enough. The parties can -- even if the
8 hearing officer is not conducting the hearing using
9 the video technology, the parties can still
10 participate that way. So especially in those
11 situations someone could do that and then be able to
12 view the sign language interpreter.

13 COMMISSIONER TAYLOR: And this is
14 Commissioner Taylor. I probably have one more
15 question. And I'm not sure if Bob or Tom, so when
16 we -- if we approve the web based, what -- I guess
17 what needs to be done to -- does anything need to be
18 added to the laptops that we just rolled out?
19 How -- I guess I'm just wondering, is that something
20 that the hearing officers are going to have to bring
21 back in? I'm just wondering how that's going to
22 work.

23 MR. OSBORNE: This is Bob Osborne,
24 Chief Information Officer. We will not have the
25 hearing officers need to come back into the office.

1 We are able to remotely distribute software, and we
2 have tested that. The hearing officers will use the
3 WebEx client, which will be pushed to all of their
4 laptops to make this connection. In that absence,
5 they still have the ability to manage a connection
6 via a web browser, if they so choose.

7 COMMISSIONER TAYLOR: All right. This
8 is Commissioner Taylor. Those are all the questions
9 I have. Thank you.

10 CHAIRMAN HUGHES: This is Chairman
11 Jim Hughes.

12 Thank you, Commissioner Taylor for
13 your questions.

14 Does Commissioner Dr. Karen Gillmor
15 have any questions based upon questions or the
16 answers she heard from Commissioner Taylor's
17 questions to either Bob, our director of computer,
18 or Mr. Tom Connor, Director of Adjudication?

19 COMMISSIONER GILLMOR: This is
20 Commissioner Gillmor. I do have a couple. One
21 is -- one question, and either gentleman can
22 respond, is has the privacy been addressed,
23 particularly for the hearing officers, so that if
24 they choose to do video from their homes, their
25 homes won't be revealed? There will be a format

1 behind them that is somewhat neutral?

2 MR. CONNOR: This is Tom Connor,
3 Director of Adjudication. There's a variety of ways
4 obviously this can be handled. I mean, one is if
5 the -- if the Commission desires, we can move
6 forward, at least at this beginning period, to
7 replace the telephone connectivity we've been using,
8 audio only. If that's the case, the hearing officer
9 to just turn off their camera or not connect using
10 the video at all. And what will happen is that the
11 parties as they connect into the meeting will just
12 see, if you happen to be using the WebNow, it shows
13 every persons initials who's on the meeting. That
14 won't be the case because this is connected to a
15 hearing room. So it will just say IC would be the
16 hearing officer's initials without the cameras
17 turned on.

18 If it's desirous of the Commission to
19 leave it up to the hearing officers, the hearing
20 officer would have a way of setting the background
21 to what people would see to either the IC kind of
22 background or it could be a blurred background or it
23 can be some of the other things that we can do to
24 help with that privacy issue. So it starts with
25 what the Commission -- how they desire the hearing

1 officers to use the technology. And then if the
2 video is a part of that, there's things we can do to
3 make it so that really nobody can view anything
4 behind the hearing officer.

5 COMMISSIONER GILLMOR: This is
6 Commissioner Gillmor. Thank you, Mr. Connor. I
7 have another question for you as well. Has the
8 union been consulted about this change, and if so,
9 what was their input?

10 MR. CONNOR: This is Tom Connor,
11 Director of Adjudication. Yes, I did. I talked to
12 a variety of hearing officers, and then I
13 specifically spoke to the President, Matt Tyack.
14 And there is a reluctance -- you mentioned the
15 privacy issue or whatnot, there is a reluctance kind
16 of to jump right in using the video technology for
17 the hearings. I don't think there's any reluctance.
18 In fact, I think it will be met with much
19 enthusiasm, anything that gets rid of the problem
20 with the bridge lines that we're having using the
21 audio only.

22 But I think the video part of it is --
23 there is still a reluctance to do that for a variety
24 of reasons. And it may be unfamiliarity. You know,
25 whether that's forever or during -- in a few months,

1 if we're still doing this, that some of that view
2 may change. But I think as a starting point, that
3 is the only reluctance is the using video, not at
4 all to moving to the audio portion.

5 COMMISSIONER GILLMOR: This is
6 Commissioner Gillmor. Thank you, Mr. Connor. I
7 would make -- I would like to make the observation
8 that perhaps the Commissioners now would like to
9 discuss whether this vote today, if it succeeds in
10 using WebEx, is limited only to the time of the
11 pandemic.

12 CHAIRMAN HUGHES: This is Chairman
13 Jim Hughes. Are you asking, Commissioner Gillmor,
14 for discussion between the three us in terms of that
15 right now? Commissioner Gillmor, this is Jim Hughes
16 Chairman. Did you hear my question? This is
17 Chairman Jim Hughes. Am I still on the call with
18 everybody?

19 COMMISSIONER TAYLOR: This is
20 Commissioner Taylor. I can hear you, Jim.

21 CHAIRMAN HUGHES: Thank you,
22 Commissioner Taylor.

23 Commissioner Gillmor, this is
24 Jim Hughes. Are you still with us? This is
25 Jim Hughes. Commissioner Gillmor, are you still

1 with us? We'll be at ease while I ask
2 Mr. Steven Kramer to please double check and make
3 sure we have Commissioner Gillmor back on the line
4 or whatever technical difficulties we're having.

5 COMMISSIONER GILLMOR: This is
6 Commissioner Gillmor. My call dropped off.

7 CHAIRMAN HUGHES: This is Jim Hughes,
8 Chairman. I think this is the reason we're having
9 this motion that's being made right now. Thank you
10 very much for that. I'm glad you're back on the
11 phone call. What I --

12 COMMISSIONER GILLMOR: Thank you.

13 CHAIRMAN HUGHES: What I was asking is
14 do you want to have a discussion in terms of what
15 you mentioned during just the Covid-19 situation?
16 Is that what you're asking right now, to have that
17 discussion with yourself, myself, as well as
18 Commissioner Taylor?

19 COMMISSIONER GILLMOR: This is
20 Commissioner Gillmor. Yes, I thought we might want
21 to talk about whether the vote today would be
22 limited to just the time of the pandemic that we're
23 currently experiencing or -- and/or whether we want
24 to talk about whether it should be audio only or
25 whether there would be the choice of audio or video.

1 CHAIRMAN HUGHES: This is Jim Hughes,
2 Chairman. Thank you Commissioner Gillmor for that.
3 What I was going to do after we get into discussion,
4 my motion that I was contemplating making was to
5 approve the use of web based technology for audio
6 but also allow it for those hearing impaired people
7 that we have to make sure they are included in the
8 video part of that because we want to make sure they
9 can participate in terms of that. If you want to
10 have me amend it, I want to hear what Commissioner
11 Taylor has to say. But I'd be open to if you want
12 to limit this just to the pandemic, we can do that
13 too.

14 That's what at least I was thinking in
15 my mind. But I'd love to hear both Commissioners'
16 opinion in terms of what the proposed motion, that
17 at least I had in my mind. So either one of you two
18 could respond, if you would, please.

19 COMMISSIONER TAYLOR: This is
20 Commissioner Taylor. I think in the past what we
21 have done as for the -- we have not limited it just
22 to during the pandemic. And my understanding from
23 the prior meetings that we've had talking with Tom
24 and understanding the hearing process, you know,
25 if -- if it's determined that effective a date,

1 let's say June 1st or July 1st. And I'm throwing
2 those dates out there, not that I have any insight.
3 But if that's the date, that then we decide we're
4 going to return to in-person hearings and return to
5 the hearing room, we have to give ourselves some
6 time just because a week before on May 25th,
7 someone -- you know, the Governor decides we can go
8 back into our hearings and return to the State
9 buildings, we have a three-week lag period because
10 we have to give notices, and we can't just stop
11 hearings, otherwise people will go without benefits
12 and employers go without having recourse.

13 So what we have done in the past is to
14 say these motions are -- that these I guess
15 authorizations to conduct telephone hearings were
16 until otherwise directed by the Commission. And
17 that would give us the time that we need. If we did
18 a last minute return to the State offices
19 permission, that gives us still an opportunity to
20 conduct the hearings we need to conduct while, you
21 know, doing a transition back into the hearing rooms
22 without stopping hearings and stopping people's
23 rights to appear in front of us and have us decide
24 their workers' compensation disputes.

25 So I would keep it as we have for all

1 the other motions, authorizing the -- authorizing
2 whatever we decide today until otherwise directed by
3 the Commission.

4 As for whether it's audio or video, I
5 can tell you I'll just -- I'm not supportive of the
6 video option. I think -- and it should not be left
7 up to the hearing officers. We need to make the
8 decision today whether we're going to authorize
9 audio only or audio and video. So I'm -- I feel
10 very strongly that the audio works fine for us right
11 now. I'm hoping that eventually this summer we'll
12 get back into in-person hearings, and so I'm not
13 willing -- I don't think we really researched the
14 video issue just because of the privacy concerns,
15 security concerns. These are all things that I
16 think video has a lot more I guess red flags for me.

17 So I would be supportive of an audio
18 only except for when dealing with hearing impaired
19 participants. And those could be video obviously.
20 And I would limit it to until otherwise directed by
21 the Commission so that way, you know, it would give
22 us our time that we could transition back to
23 in-person hearings when we get down to that point.

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

1 Commissioner Gillmor, would you like
2 to respond or your thoughts in terms of discussion
3 on the points that Commissioner Taylor just
4 brought?

5 COMMISSIONER GILLMOR: This is
6 Commissioner Gillmor. Thank you, Mr. Chairman. I
7 would say that I would agree with the points that
8 Commissioner Taylor made and also with the portion
9 of your motion that you delineated in that it would
10 be audio only except for the hearing impaired.

11 CHAIRMAN HUGHES: This is Jim Hughes,
12 Chairman. Thank you. Is there any other discussion
13 before I proceed to make a motion? This is
14 Jim Hughes, Chairman, hearing none -- hearing no
15 further discussion, I move to approve the use of web
16 based technology audio for the Ohio Industrial
17 Commission hearings except for those hearings that
18 are dealing with hearing impaired, which may be for
19 visual if necessary. And this will stay in place
20 unless otherwise directed by the Commission. Do I
21 have a second to that motion?

22 COMMISSIONER TAYLOR: This is
23 Commissioner Taylor. I will second your motion.

24 CHAIRMAN HUGHES: Thank you. This is
25 Jim Hughes. This is the Chairman. This has been

1 properly moved and seconded. I'll now call on the
2 Executive Director, Mr. Tim Adams, to call the roll.

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

7 Commissioner Karen Gillmor.

8 COMMISSIONER GILLMOR: Commissioner
9 Karen Gillmor. Yes.

10 MR. ADAMS: Commissioner Jodie Taylor.

11 COMMISSIONER TAYLOR: Commissioner
12 Jodie Taylor. Yes.

13 MR. ADAMS: Chairman Jim Hughes.

14 CHAIRMAN HUGHES: Chairman Jim Hughes.
15 Yes. Tabulating the motion passes unanimously, it
16 does have the necessary votes to carry.

17 At this point in time I want to thank
18 Commissioner Dr. Karen Gillmor, Commissioner
19 Jodie Taylor for their attendance in this public
20 meeting on this. I would move to adjourn this
21 special public meeting. Do I have a second for
22 this?

23 COMMISSIONER TAYLOR: This is
24 Commissioner Taylor. I will second to adjourn.

25 CHAIRMAN HUGHES: It's been properly

1 moved and seconded. At this point we will -- do we
2 have any objection to that? Hearing none, this
3 meeting -- this public meeting is now -- special
4 meeting is now ended. Thank you all for your
5 attendance.

6 - - -

7 (End of recording.)


8 - - -


9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 22nd 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.