



Stakeholder Meeting Minutes July 29, 2022

Call to Order: The meeting convened at 9:00 a.m. with the following participants:

Holly Kessler
Isabel A. M. Cole
Mark Jaffe
Brian Watkins
Lynn Hendrickson
Anita Booker-Hay
Michael Ratko

Sarah Kortokrax
Lionel Greaves IV
Leslie Johnson
Jane Dale
Katherine Mason
Robert Silber
Lonnie Ladenburg

Chris Bishop
Ryan Miller
Richard Clyne
Bob Battles
Jay Raish

PDO Timelag:

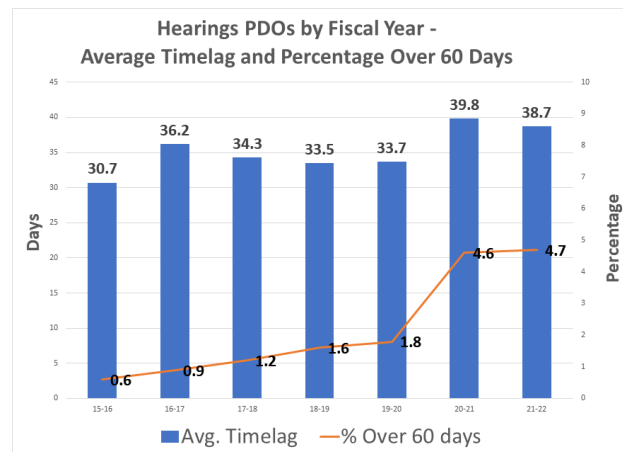
PDO Timelag – 7/1/20-6/30/22*

Industrial Insurance	PDOs	Average Timelag
Total PDOs	3290	34.89
w/o mediation orders or FTA	2900	39.48

Firm	PDOs	Average Timelag
Total PDOs	49	33.84
w/o mediation orders or FTA	42	39.45

WISHA	PDOs	Average Timelag
Total PDOs	130	36.03
w/o mediation orders or FTA	112	41.54

*new code for failure to appear added 3/7/22



We have started case assignment equalization and ACs are working with individual judges who have a higher number of PDOs issued over 60 days. The PDO timelag begins to run after the record is complete and the judicial assistant has given the file to the judge to write the order.

Stay Motions: Mark reminded that motions for stay of benefits or abatement are filed with the Board Members and motions for stay of proceedings are filed with Lynn Hendrickson. The nonmoving party 5 business days per WAC 263-12-118(5) to respond.

Rulemaking for WISHA Discrimination: Brian reported a new law took effect July 1, 2022; where an employer issues an adverse action against an employee who files a workplace safety case, the Department can issue a citation to the employer. We are working on rules for those appeals. You can send comments to brian.watkins@biia.wa.gov.

In-Person/Hybrid Hearing Pilot Procedures: Anita reported from July 15-September 30 we are running a pilot in Olympia, Everett, and Lakewood to hold in-person/hybrid hearings. At the scheduling conference talk to the judge about how you want to hold the hearing: Zoom, phone, live, or hybrid (at least one person is live with the judge and others are on phone or Zoom). Also designate a second choice, in case it is live but someone doesn't pass the screening process. The screening process (standard CDC questions) is still required by the Governor. We are not holding in-person hearings in Seattle because the landlord currently has the building locked. We are not holding in-person hearings in the east because of the screening process, which is currently being done by Assistant Chiefs. For in-person hearings, our judges will be wearing masks, and cleaning supplies are available.

Mr. Bishop: I heard you are doing a pilot in Yakima in late fall?

- Yes, we will pilot one event in Yakima and Richland so we have some information to evaluate at the end of September.

Mr. Greaves: The BIIA filing portal has a 10Mb upload restriction. Keep that in mind if there is a last-minute conversion, we have to chop exhibits up for filing.

- If you have larger files with video/sound, it may be difficult to upload via the portal, reach out and we can ask our IT folks to help.

Ms. Mason: Can you send this information to your distribution list? [Editor's note: this has been done.]

BIIA CLE, October 21, 2022: Jay reported the CLE will be held October 21, 2022, hopefully live in Tacoma. Information and registration will be available mid-September and will be sent to the BIIA distribution list, stakeholder meeting list, and it will be posted on our website.

Stakeholder Q&A:

Mr. Bishop: not all judges comfortable with an in-person hearing yet; what if all the parties want it but the judge won't hold it?

- The parties make the request. Our judges are required to hold in-person hearings. File an interlocutory review for any scheduling issues.

Ms. Mason: is this a COVID only change – will this continue for other things like flu season or not wanting to drive? Our folks are opposed to a cause standard if a participant wants to appear remotely.

- We anticipate this is a permanent change. Do the stakeholders have any concerns?

Mr. Bishop: will 263-12-115(10) need to be tweaked?

- Brian: remember not to run afoul of the venue statute: 51.52.100 and 102.

Mr. Battles: now is a good time to look at that. A lot of us that work on the hill can assist. It's a good thing to continue to expand access for participants. We are seeing that in almost every arena.

Next meeting: Board Members will conduct a Q&A at the BIIA CLE in October. The target date for the next stakeholder meeting is January 27, 2023. Please email jay.raish@biia.wa.gov if you have conflicts.

Adjournment: The meeting was adjourned at 10:20 a.m.

Respectfully submitted,

/s/

Jay Raish,
Confidential Secretary