

**California Commission
on
Health and Safety and Workers' Compensation**

MINUTES OF MEETING

Meeting Day and Date: Friday, October 14, 1994

Meeting Location: State Building
107 South Broadway
First Floor Auditorium, Room 1138
Los Angeles, California

Commission Members present:

Chairman Tom Rankin
Commissioner Leonard McLeod
Commissioner Gerald O'Hara
Commissioner Kristen Schwenkmeyer
Commissioner Robert Steinberg

Commission Members absent:

Commissioner Jim R. Green
Commissioner Gregory Vach

Department of Industrial Relations personnel present:

Casey L. Young, DWC Administrative Director
Blair Megowan, Manager, Disability Evaluation Unit
Sharon Collins, Disability Evaluation Unit
Christine Baker, Interim Executive Officer of the Commission

Actions of the Commission

Welcome and Announcements

The meeting was called to order at 10 am by Chairman Tom Rankin.

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Adoption of Minutes

Minutes of the Commission meetings on September 9, 1994 were submitted for approval by Christine Baker. Commissioner O'Hara noted that the minutes erroneously stated that the Chairman made two motions and request that the record be amended. The minutes were approved as corrected.

New Commissioner

Chairman Rankin introduced James Hlawek, a new commissioner appointed by the Governor. Mr. Hlawek is the chief administrative officer of the County of San Bernardino and fills the public sector employer position on the Commission. Chairman Rankin administered the oath of office to Commissioner Hlawek.

Report on the status of the revision of the Permanent Disability Rating Schedule

The Administrative Director of the Division of Workers' Compensation is required by Labor Code Section 4660(d) to "review and revise the schedule for the determination of the percentage of permanent disabilities". That section also states that "no change in the standard disability ratings shall be adopted without the approval of the Commission on Health and Safety and Workers' Compensation."

Casey L. Young, Administrative Director, reported on the status of the revision of the Permanent Disability Rating Schedule (PDRS). He stated that their deadline of January 1, 1995 for completion of the revision would be missed, but they have completed basic pieces of it. Mr. Young introduced Blair Megowan, manager of the Disability Evaluation Unit (DEU), who is in charge of the project and Sharon Collins, a disability evaluator in the Pasadena office and the chair of the PDRS revision committee.

Mr. Megowan stated that there were four goals of the PDRS revision project:

- Update the occupational titles and the standards as required by the statute.
- Take advantage of this historical opportunity to improve the PDRS, which was last revised in the 1940's and 1950's. The project staff wanted to improve its predictability so that different people using the schedule would end up with the same answers for the same types of disability.
- Simplify the PDRS where possible and reduce unnecessary complexity.
- Keep changes cost neutral and benefit neutral.

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Mr. Megowan then reviewed the packet of proposed revisions section by section for the Commissioners.

To the section entitled "Guidelines for Neck, Spine and Pelvis Work Restrictions, the PDRS project team added a third disability entitled "Disability Precluding Repetitive Motions of the Neck or Spine."

New guidelines were formulated for upper extremity work restrictions, classified by "strength-type" and "manipulation" work activities. There is also a new set of lower extremity work restrictions, borrowed from the guidelines for work capacity but including new items such as "no prolonged weight bearing." These new sets of standards were developed in response to increased inclusion of work restrictions in medical reports. Mr. Megowan stated that if doctors report work restrictions, then it is the legal duty of the Disability Evaluation Unit to rate them.

The classic approach to rating is to rate both the objective and subjective disabilities and the work restrictions. The final rating is the higher of the two. If the work restriction is unscheduled, it is rated by analogy to what is already in the PDRS. An analogy is an imprecise process which leads to a wide variety of ratings, depending upon the who is doing the analogy.

So in order to mitigate the problem of lack of consistency and to add some predictability to work restrictions, the project team decided to schedule them. The basic approach was to benchmark a few individual activities and combinations of those activities to create an overall matrix from which a disability evaluator can determine a rating from almost any description of a disability from a doctor. The goal is to come up with disability ratings which vary by no more than 5 percent no matter who is doing it.

The proposed PDRS revision also contains a footnote in the "Chest Work Restrictions" section pertaining to emotional stress. Mr. Megowan stated that there is a generally accepted standard across the state of twenty percent for emotional stress.

A new addition to the standard disability is "skin sensitivity", including preclusions for outside work and wet work.

The Occupational Title List was updated pursuant to the statutory mandate. The old listing, last changed in the 1940's, was out of date; for example, the word "computer" did not appear. The revision committee obtained a list from San Diego State University which represented 90-95% of the California labor market. Items from the old list which were still valid were combined with the SDSU list to form a new list of about 1800 occupational titles.

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The occupational titles in this revised listing were then placed into 44 groups based on the Dictionary of Occupational Title's strength criteria - the amount and frequency of weight lifted.

The disabilities and the occupational title groups were utilized to formulate the "Occupational Variant Table" which connects the type of disability with the type of job and adjusts the standard rating up or down depending on how much the type of disability affects someone doing that type of work. The listing of variants was reduced from about 300 to about 60.

Similarly, the age groups were reduced from 46 to 10. Formerly, all the ages between 21 and 64 were divided into 2-year increments; the new table divides the ages into 5-year increments.

Fractional ratings have been eliminated. Previously, ratings were calculated to the nearest quarter of a percent. Only whole percentage ratings will now be used, making the calculations much easier.

Ms. Collins described the three digit code utilized for the 44 occupational groups. The first digit indicates the overall strength requirements for the job - from 1 for "sedentary" to 5 for "very heavy". The second digit refers to the type of job - 1 for professional, technical or clerical; 2 for hand-intensive work; 3 for machine operation; 4 for attendants and cleaners; 5 for driving; 6 for a laborer or material handler; 7 for a mechanic or installer; 8 for construction; and 9 for miscellaneous. The third digit distinguishes between the various specific jobs.

Mr. Young completed the presentation by stating that the PDRS revision must be finalized and that a determination of the cost impact needs to be done before DWC is ready to present the new schedule to the Commission for approval. Mr. Young expects to submit the revised PDRS to the Commission in December 1994 or January 1995.

Public Comments

There were no comments from the public.

Presentations by Grant Applicants

A total of 14 grant applicants from Southern California were scheduled to give 3 minute presentations of their proposals. The attached meeting agenda lists those applicants.

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Executive Officer

The Commission then discussed filling the position of Executive Officer. The Commission received 101 applications for the job in response to newspaper ads in the Los Angeles *Times*, the Sacramento *Bee*, and the San Francisco *Chronicle*. After some discussion, Commissioner O'Hara moved that Christine Baker, who has been the Interim Executive Officer, be hired as the permanent Executive Officer. Commissioner Hlawek seconded the motion and the vote was unanimous.

Evaluation of Grant Applications

Chairman Rankin suggested that the Commission initially evaluate only those grant proposals which are sponsored by employers. The Commission is awaiting a legal opinion from the Fair Political Practices Commission on whether he and Commissioner O'Hara could vote on proposals sponsored jointly or solely by labor unions.

The Commission adopted an evaluation procedure whereby each application would be considered in the first round of evaluation. A Commission member must make a motion for the application to go to the second round.

The following lists those applications which were passed to the second evaluation round:

- 94-3 Los Angeles Unified School District
- 94-13 Univ. of California, Davis
- 94-31 White Ranch Co.
- 94-32 Sutter-Yuba Mental Health Services
- 94-52 Crown City Plating Co.
- 94-60 University of California, Office of the President
- 94-70 City of Napa and others
- 94-71 Tri Span Inc./California State University Chancellor
- 94-79 Heffernan Memorial Hospital
- 94-83 Yuba-Sutter Disposal
- 94-85 Cambria Community Healthcare District

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The following lists those applications which were eliminated in the first evaluation round:

- 94-4 One Hoss Shay d.b.a. Mayfair Plastics
- 94-5 Karleskink-Crum Inc.
- 94-6 Super Store Industries
- 94-8 Univ. of California - San Diego
- 94-9 Safeway Inc./Safeway Employees Association
- 94-10 Safeway Inc.
- 94-15 City of La Habra
- 94-16 Payless Building Supply
- 94-18 United Truck Dismantlers
- 94-20 City of Huntington Beach
- 94-23 San Francisco Symphony
- 94-24 Univ. of California - Los Angeles
- 94-26 Humboldt State University
- 94-33 Super Store Industries (Fairfield)
- 94-34 Mid Valley Dairy Co.
- 94-35 Tuolumne County Sheriff's Dept.
- 94-36 San Joaquin General Hospital
- 94-38 J.R. Wood, Inc.
- 94-39 RCR Plumbing
- 94-40 City of Anaheim Police Dept.
- 94-41 Affymax Research Institute
- 94-42 Adventist Health System West
- 94-43 UCD Police Dept./UCD Police Officers Association
- 94-46 Nordstrom Distribution Center
- 94-48 Oil Well Service Co.
- 94-49 Country Villa Service Corp.
- 94-51 National Homecare Systems
- 94-54 Martin Luther Hospital Foundation
- 94-55 Diversified Maintenance Services
- 94-56 Univ. of California Davis Medical Center
- 94-57 Univ. of California Santa Barbara
- 94-59 Plumas Community Clinic

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- 94-61 DynaBil Industries West
- 94-63 GTE California
- 94-64 ALLPRO Environmental Corp.
- 94-66 City of Colton
- 94-72 Bel Air Mart
- 94-76 Showroom Services
- 94-77 Mesa Vista Hospital
- 94-82 Monterey County Sheriff's Dept.
- 94-86 Tuolumne General Hospital
- 94-87 Valley Communities Inc./Facility Survey
- 94-88 Imperial Unified School District
- 94-89 Bigham Taylor Roofing
- 94-90 Colvin Landscaping/Landscape Contr. Ins

Future Meetings

The Commission meeting on Thursday, November 10, 1994 will be held in room 1194 on the first floor of the San Francisco State Building located at 455 Golden Gate Avenue.

Adjournment

The meeting was adjourned at 2:15 pm by Chairman Tom Rankin.

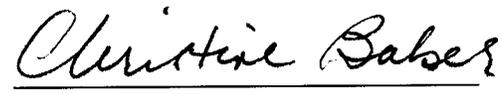
Attachment: Meeting agenda

Approved:

Respectfully submitted,


Tom Rankin, Chairman

11-10-94
Date


Christine Baker, Interim
Executive Officer