

Meeting minutes: Rehabilitation Review Panel

Date: April 4, 2019

Minutes prepared by: Executive secretary, Rehabilitation Review Panel (RRP)

Location: Minnesota Room, Minnesota Department of Labor and Industry (DLI)

Attendance

RRP members present

Duane Butorac (chairman)
Russell Gelfman (vice-chairman)
Roslyn Robertson
Carl Crimmins
David Dubovich
Steve Hollander
Laura Jerde
Margaret Kasting
Dan McConnell
Steve Patton
Mary Wells (via telephone)
Ken Askew (via telephone)

RRP members excused

Richard Hills
Alissa O'Hara
Paul Osterbauer
Scott Parker

Visitors, DLI staff members present

David Kempston, Mottaz Law Office
Amy Knopf, St. Cloud State University
Julie Volk, VRS
Angie Hunter, O&H
Chris Leifeld, DLI
Mike Hill, DLI
Brian Zaidman, DLI
Rick Martagon, DLI
Pam Carlson, DLI
Jeanne Vogel, DLI
Michael Haire, DLI
Donna Olson, DLI
Melissa Parish, DLI
Jessica Stimac, DLI
Leslie Philmon, DLI
Patty Rutz, DLI

Call to order

Chairman Duane Butorac called the meeting to order at 1:10 p.m. He announced two members of the panel were attending via telephone: Ken Askew and Mary Wells. A verbal roll call was taken and a quorum was present. The chairman asked the members to identify themselves when speaking, because there are members attending via telephone.

Approval of minutes

Butorac asked for a motion to approve the minutes from the Feb. 14, 2019 meeting. Carl Crimmins moved and Steve Hollander seconded the motion. A verbal vote was taken and the motion carried.

Approval of agenda

Butorac asked for a motion to approve today's agenda. Crimmins moved and Laura Jerde seconded the motion. A verbal vote was taken and the motion carried.

Deputy commissioner's update – Roslyn Robertson

Butorac introduced Roslyn Robertson, DLI deputy commissioner. Robertson gave a brief introduction about her background, which included several years of work at DLI. She expressed her gratitude to the RRP members on behalf of the department for their time and work dedicated to participating on the panel. She added it is important to the department to understand how the agency's work impacts industries and workers.

Legislation updates

Robertson explained she and DLI Commissioner Nancy Leppink's legislative goals for this session include enforcement of the wage theft laws, workers' compensation modernization, and the youth skills and apprenticeship programs. Proposed legislation this year will give the department greater enforcement authority for wage theft violations and increase the penalties. Robertson stated the modernization project will transform the way injured workers and stakeholders interface with the department. This will streamline the process for all parties and create more efficiency. The youth skills and apprenticeship piece continues to be a play an important role for the department and the state's workforce.

Safety

Robertson stated renovation of the 443 Lafayette Road N. building is almost complete and there are no safety concerns.

Agenda items

1. Apprenticeship overview – Rick Martagon, DLI Apprenticeship supervisor, and Leslie Philmon, DLI Apprenticeship senior field representative

DLI's Apprenticeship Program was discussed at an earlier RRP meeting in terms of whether this program would be an effective method of recruitment for qualified rehabilitation consultants (QRCs) in the state. Because of the decline in the number of QRCs, a panel member suggested the possibility of using an apprenticeship program. Rick Martagon was introduced and provided an overview of the Minnesota Apprenticeship Program. Apprenticeship is designed to recruit, train and retain a skilled workforce. It provides employment, on-the-job

training and continuing instruction; it also provides the employee with credentials needed for future employment. Martagon explained the benefits of the program in terms of the employer, the employee and the state of Minnesota. The employers benefit by having the ability to shape and design their specific workforce and, thereby, training to a specific company need. The state benefits by having a trained workforce and the assurance that workers are trained in job safety. Some of the key components of apprenticeship are:

- structured job training;
- paid wages for the employee;
- continuing job-related instruction each year;
- safety training; and
- wages that increase with experience.

Efforts are being made to bring on additional occupations, such as health care, information technology, agriculture, etc., in addition to the traditional programs in the construction trades. A registered apprenticeship program is from one to five years in length. It is a combination of related technical instruction and on-the-job or hands-on training and has national credentials.

Martagon introduced Leslie Philmon who reported on industries outside of the construction area, including advanced manufacturing, agriculture, health care, information technology and transportation. She explained the initial stages of the program are determining the employer's needs and creating a specific job description. The department then can determine if either a state or federal program includes such a career path and a standard that others can follow.

Martagon reported he and Mike Hill had met to compare QRC internship and apprenticeship requirements to see where the two programs had common requirements. Martagon indicated both programs require a specified number of hours, require competencies to be attained and meet certain testing requirements. The challenge may be the technical instruction portion and to meet CRC or CDMS requirements QRCs must have with either a bachelor's degree or master's degree, which is not required for the apprenticeship.

The DLI Apprenticeship presentation is attached to these minutes.

Butorac then introduced Leppink, who gave a short summary about her background, including several years as general counsel with DLI. She thanked the panel members for the time and devotion of participating on a public advisory body. Leppink stated that looking at the state's Apprenticeship Program in terms of QRC careers is worth exploring, because many industries are taking this path to get a skilled workforce.

Robertson commented that the apprenticeship discussion could also serve another benefit as a reminder to QRCs who are looking for job opportunities for their clients. As the workforce ages, some clients may need other options to stay in the workforce.

2. QRC age and activity overview – Brian Zaidman, DLI Research and Statistics

Brian Zaidman, senior research analyst, DLI Research and Statistics, was introduced and gave a presentation about a study of the QRC age distribution in Minnesota. Zaidman reported there is a large percentage of

registered QRCs who will be entering retirement age. One of many notable statistics is that in five years (by 2025) 45 QRCs may retire, which is a substantial number from the current 270 registered QRCs.

The presentation is attached to these minutes.

3. QRC-decline guest panel

Butorac introduced Hill as the moderator. Hill introduced the panel: Dr. Amy Hebert Knopf, department chairwoman, St. Cloud State University (SCSU); Julie Volk, owner, Vocational Restoration Services (VRS); David Kempston, attorney, Mottaz Law Offices; and Zaidman. Hill gave a brief description about why the department has brought these individuals together for the panel discussion about how to bring more QRCs into the field to meet the needs of the state's injured workers.

Knopf said the number of students in the rehabilitation program has been consistent over the years and there is currently a waiting list of 26 students to get into the SCSU program. The waiting list is due to not having enough faculty numbers to meet the demand. Also, students need to be either working or getting paid for their internship and, oftentimes, the lack of paid positions becomes a barrier. Knopf thought the master's degree in rehabilitation program at SCSU would fit well with the state Apprenticeship Program because both are very structured and require qualifications throughout the entirety of the internship. Additionally, Knopf reported not being aware that graduating undergraduate students were eligible to become a QRC. She indicated there were about 400 undergraduates in the rehabilitation program and that QRC interns got paid would be very appealing to prospective candidates.

Volk said her firm is in the process of hiring two QRCs because they are very busy. She said the firm preferred to hire experienced QRCs, but it is difficult to find experienced QRCs looking for a new position. Most of the time, she hires someone who is in school, who has either passed the CRC (or CDMS) test or is preparing to sit for one of the certifications. When preparing to hire at her firm, she reaches out to four colleges for applicants, including SCSU, Mankato State University, UW-Stout and UW-Madison.

Volk said there are many reasons for intern turnover in the field. She said being a QRC is demanding and stressful. The QRC is often in the middle of an adversarial process, trying to give advice to a client, while meeting the demands of the insurer and facilitating medical treatment. Volk said the job has many moving parts, which can be quite stressful. The pace of a QRC in a private setting is very fast and not always predictable. She thought the pay for the QRCs in the private sector is not a factor in the turnover.

Volk suggested having some meet-and-greet or lunch-and-learn sessions with college students to expose potential grads to being a QRC. She indicated a combination of private, education and state resources may be a good way to start.

Kempston said on average about 40% of the injured workers he works with will have a QRC already on the file. He reported that when there are no issues with a file, such as missed benefit payments, or there are no complicating medical issues there is no need for an attorney. However, workers' compensation files can change very quickly and when there are multiple parties involved (employer, insurer, worker, QRC, attorney) it becomes even more complex. Kempston echoed Volk's words that QRCs can bear the brunt of all the parties and must balance a variety of issues, such as medical management, return-to-work issues and solving billing questions.

Kempston said the most important piece of a QRC's job is getting the worker back to work in a suitable job rather than a "good enough job" and then closing the file.

Butorac thanked the panel and said the discussion was useful and deserved further study.

Other

Russell Gelfman asked if remote access to the meeting could be done by either Skype or another means of videoconference because telephone voting is cumbersome and there are more efficient methods of remotely attending meetings. Robertson said the Minnesota Room is compatible with outstate Minnesota, at least in the DLI offices in some locations, to accommodate remote meetings. The department will see if it is possible to make these facilities available for members who cannot attend in person.

On the QRC topic, Gelfman said part of the QRC's job in the past was being able to work and meet with employers to get people back to work. However, many human resource departments are now located out of state so those meetings never occur. He said this could be troublesome for the injured worker and the QRC.

Margaret Kasting asked if there could be an update about the rehabilitation rules at the next meeting.

Hollander asked, with respect to the QRC decline, that the topic be addressed again at the next meeting about what should happen going forward.

Butorac asked the panel if there were any other agenda items for the next meeting. There were none, so he asked panel members with any ideas to contact him or Mike Hill.

Next meeting date

Butorac announced the next meeting date is **July 11, 2019**.

Adjournment

Crimmins made a motion to adjourn the meeting at 3:15 p.m. and it was seconded by Gelfman. A verbal vote was taken, all voted in favor of the motion and the meeting was adjourned.

Respectfully submitted,
Patricia Rutz, executive secretary
Rehabilitation Review Panel