

**CHARTER
INDUSTRIAL COMMISSION ADVISORY COMMITTEE
ON WORKERS' COMPENSATION**

**Article One
Name**

Section 1. Name. This Charter defines the authority, responsibilities, and procedures for the Industrial Commission Advisory Committee on Workers' Compensation, hereinafter "The Committee."

**Article Two
Vision And Mission Statement**

Section 1. Vision. The Committee shall serve as:

A mechanism for receiving input from constituencies statewide regarding the administration of the Idaho Workers' Compensation Law and the operation of the Idaho Industrial Commission.

Section 2. Mission Statement. The mission of The Committee shall be:

To provide assistance and advice on the Idaho Workers' Compensation System to the Industrial Commission.

**Article Three
Responsibilities**

Section 1. General. The Commissioners of the Idaho Industrial Commission shall determine the scope of the specific responsibilities of The Committee. Those responsibilities will generally fall into the categories of Advisory Responsibilities, Educational Responsibilities, and Advocacy Responsibilities.

Section 2. Addition and Deletion of Responsibilities. The Commissioners have initially assigned a narrow scope of responsibilities to The Committee. That scope of responsibilities may be modified from time to time, based upon the needs of the Commission and the suggestions and recommendations of The Committee. Recommendations to modify the responsibilities of The Committee shall first be submitted in writing to the Chairman of The Committee. Following review and endorsement by The Committee, such recommendations shall be forwarded to the Commissioners for final consideration and approval.

Section 3. Advisory Responsibilities.

- A. The Committee shall provide advisory input and support to the Industrial Commission in the following areas:

1. Legislation: The Committee may propose, review, comment upon, and provide testimony on existing and new legislation.
 2. Other Issues: The Commission may request the committee to consider other issues and to provide recommendations.
 3. Information: The Commissioners may request, from time to time, that The Committee gather information on a particular issue(s). Such requests may involve polling of constituency groups or other research to be accomplished by the members of The Committee.
- B. The advisory responsibilities of The Committee may be expanded by the Commissioners, based upon agency needs and/or the recommendations of The Committee, to include such areas as:
1. The proposal, review, and comment upon Industrial Commission Administrative and Judicial Rules and other practices and procedures of the commission;
 2. Advice regarding the Industrial Commission's annual Workers' Compensation Seminar; and
 3. Advice regarding preparation, content, and distribution of the Annual Report, informational brochures, Quarterly Newsletter, or other materials of the Industrial Commission, to ensure the optimum utility of those materials to constituent groups.

Section 3. Educational Responsibilities.

- A. Initially, The Committee has not been assigned any specific educational responsibilities.
- B. The educational responsibilities of The Committee may be expanded by the Commissioners, based upon agency needs and/or the recommendations of The Committee, to include such areas as:
1. Support to statewide "Town Meetings" conducted by the Industrial Commission;
 2. Participation in the Industrial Commission's annual Workers' Compensation Seminar;
 3. Contribution to the Industrial Commission's Annual Report, informational brochures, and Quarterly Newsletter;

4. Sponsoring and conducting periodic seminars on special topics pertaining to the Workers' Compensation Law;
5. Preparation and distribution of an annual Workers' Compensation Law Book or annual update on the Idaho Workers' Compensation Law; and
6. Preparation and distribution of periodic Committee newsletters or updates pertaining to specific issues under the Idaho Workers' Compensation Law.

Section 4. Advocacy Responsibilities.

- A. The Committee shall assume advocacy responsibilities on behalf of the Industrial Commission and the Idaho Workers' Compensation System to include the following areas:
 1. Supporting legislation to enhance the operation of the Idaho Workers' Compensation System and the Industrial Commission, based upon discussion and consensus of the members of The Committee;
 2. Ensuring the continuing balance of the interests of the various constituency groups affected by the Idaho Workers' Compensation Law through the recommendations and activities of The Committee;
 3. Working to enhance public confidence in the operation of the Idaho Workers' Compensation System and the Industrial Commission; and
 4. Providing a sounding board for the various constituent groups affected by the Workers' Compensation System, and addressing such concerns through the proposal of appropriate legislation, special projects, or other recommendations to the Commissioners.

Article Four
Structure

Section 1. Authority. The Committee is established by the Commissioners under the authority of Idaho Code, Section 72-509 (2).

The Commission may establish such branch offices, divisions, sections, and advisory committees in such localities in this state as it deems necessary to administer this act . . .

Section 2. Operational Concept. The Committee shall operate independently, within general parameters established by the Commissioners. Its operation shall be governed by this Charter, along with such other written procedures and processes which, from time to time, may be established by the Committee and/or the Commissioners.

Section 3. Consensus. The actions and recommendations of The Committee shall generally be based upon consensus of its members.

Section 4. Dissolution of The Committee. In the event that the Commissioners, The Committee, or both, desire that The Committee be dissolved, the following procedures shall apply:

- A. A written notice of intent to dissolve The Committee shall be signed by a majority of the Commissioners and delivered to the Chairman of The Committee. Thirty (30) days following the receipt by the Chairman of The Committee of such written notice, The Committee shall be deemed dissolved; or,
- B. A written request to dissolve The Committee shall be signed by the Chairman of The Committee, based upon the concurrence of two thirds (2/3) of the general membership of The Committee. Thirty (30) days following the receipt by the Commissioners of such written notice, The Committee shall be deemed dissolved.
- C. However, upon the dissolution of The Committee, the Commissioners may elect to appoint a new Committee.

Article Five **Membership**

Section 1. General Membership. In order to ensure the balanced representation of primary constituent groups affected by the Workers' Compensation Law, The Committee shall be comprised of the following general members from the following classes of interests:

- A. Class 1: Three (3) persons representing the interests of workers;
- B. Class 2: Three (3) persons representing the interests of employers;
- C. Class 3: Two (2) persons representing the interests of the insurance industry;
- D. Class 4: Four (4) attorneys presently practicing law in Idaho in the area of workers' compensation, two (2) of whom primarily represent claimants and two (2) of whom primarily represent employers; and

- E. Class 5: Two (2) persons, one (1) of whom primarily represents the interests of physicians, and one (1) of whom primarily represents the interests of hospitals. *(Effective 2-13-2007)*

Section 2. Initial Appointment of General Members. The general membership of The Committee shall initially be appointed by the Commissioners to staggered terms of one (1) to three (3) years, as follows:

- A. Class 1: One (1) individual for one (1) year, one (1) individual for two (2) years, and one (1) individual for three (3) years;
- B. Class 2: One (1) individual for one (1) year, one (1) individual for two (2) years, and one (1) individual for three (3) years;
- C. Class 3: One (1) individual for one (1) year, and one (1) individual for two (2) years;
- D. Class 4: Each individual for one (1) year; and
- E. Class 5: Single individual for one (1) year.

Section 3. Subsequent Selection of General Members. As vacancies in general membership occur, The Committee shall determine the manner of identifying and nominating potential general members of The Committee. Nominees must be approved by a majority of the Commissioners, and shall serve for the remainder of any unexpired term or for a full term of three (3) years, whichever is applicable. General members may be reappointed upon recommendation of The Committee and approval by the Commissioners.

Section 4. Changes to the Makeup of the General Membership. Changes in the makeup of the general membership, such as changes in the size, number, or representation of the classes described above, shall require the approval of the majority of the Commissioners.

Section 5. Disqualification of General Members. A general member may be disqualified and forfeit membership on The Committee, by recommendation of The Committee and with the concurrence of the majority of the Commissioners, if either of the following occur:

- A. The member's employment status, professional affiliation, or other circumstance changes, such that the members' ability to represent his/her assigned class is called into question; or,
- B. The member's lack of regular attendance at meetings of The Committee either impairs the balance among the various constituent groups represented on The Committee, or adversely impacts the particular class of membership to which the individual belongs.

Section 6. Special Members. In addition to the general membership of The Committee, special members may be appointed by the Commissioners to assist The Committee in its duties. Such appointment of special members may be initiated by Committee recommendation to the Commissioners. Special members shall serve for such term as determined by the Commissioners, shall have no voting privileges, and may be selected from such groups or entities as the following:

- A. The State Insurance Fund;
- B. The Industrial Special Indemnity Fund;
- C. The Idaho State Legislature;
- D. The Office of the Governor;
- E. The Idaho Department of Labor;
- F. Agriculture;
- G. The safety industry;
- H. Industrial Commission personnel;
- I. Professional organizations.

Section 7. Initial Appointment of Special Members. Initially, the Commissioners may appoint such special members as they deem appropriate in order to facilitate the specific assigned responsibilities of The Committee.

Section 8. Subsequent Selection of Special Members. Upon the advice of the general membership, the Chairman of The Committee may at any time propose to the Commissioners the addition of a special member(s). Appointment of such special member(s) shall require the approval of the majority of the Commissioners.

Article Six **Chairman**

Section 1. Selection. The Commissioners shall appoint a Chairman of The Committee from The Committee's membership for an initial term of one year. Following the conclusion of the initial one-year term, nominees for Chairmen shall be selected by The Committee, and, upon approval of the Commissioners, shall serve for one-year terms.

Section 2. Duties. The duties of the Chairman shall include, but are not limited to, the following:

- A. Ensuring the preparation and proper distribution of meeting agendas;

- B. Calling and presiding over meetings of The Committee; and
- C. Conducting the activities of The Committee in compliance with the parameters established by the Commissioners.

Article Seven **Liaison**

Section 1. Selection. The Industrial Commission Liaison to The Committee shall be selected by the Commissioners, and shall serve in that position solely at the pleasure of the Commissioners.

Section 2. Duties. The duties of the Liaison shall include, but are not limited to, the following:

- A. Providing administrative and other support to The Committee and its Chairman, within the parameters established by the Commissioners;
- B. Facilitating and participating in the activities and projects of The Committee;
- C. Ensuring that all activities and projects of The Committee are conducted within the parameters established by the Commissioners;
- D. Acting as communication link between The Committee and the Commissioners.

Article Eight **Meetings**

Section 1. Meetings. Meetings of The Committee shall be held at such times and places as the Chairman and the Commission deem necessary in order to accomplish its responsibilities, consistent with parameters established by the Commissioners. In any case, meetings of the Committee shall take place at least once each calendar quarter.

Section 2. Quorum. No meeting of The Committee shall be conducted without the presence of at least seven (7) general members, which shall constitute a quorum. In addition, recognizing the intent that the operations of The Committee be by consensus and reflect the inputs of the various constituent groups represented in the general membership, no recommendation, decision, or other action of The Committee shall be made unless, in the judgment of the Chairman of The Committee, such recommendation, decision, or action represents balance and consensus of The Committee as a whole.

Article Nine
Fiscal Issues

Section 1. Budget. The annual budget for The Committee shall be established by the Commissioners, based upon the recommendations of the Chairman of The Committee and Industrial Commission staff.

Section 2. Expenditures. All expenditures by, or on behalf of, The Committee must:

- A. Comply with all State and Industrial Commission rules, regulations, and policies; and
- B. Be approved by the Commission Liaison to The Committee.

Article Ten
Amendment Of Charter

Section 1. Amendment of Charter. This Charter may be altered, amended, or repealed, and a new charter may be adopted, upon the recommendation of The Committee and/or the Commissioners. Final approval of any such alteration, amendment, or replacement of this Charter shall require the agreement of the majority of the Commissioners.