WORKER'S COMPENSATION ADVISORY COUNCIL

BY-LAWS

ARTICLE I - NAME

Section 1. The name of the council shall be the Workers' Compensation Advisory Council.

ARTICLE II – PURPOSE

Section 1. The purpose of the council is to review and make recommendations to the governor, through the Louisiana Workforce Commission, on any proposed legislation and rules, affecting the administration or resolution of claims provided for in the Workers' Compensation Act.

Section 2. This council also shall monitor and, at least thirty days prior to the convening of the regular session of the legislature, report to the governor and the legislature on the implementation and administration of the Workers' Compensation Act and make specific recommendations thereon.

ARTICLE III – MEMBERSHIP

Section 1. The membership of this council shall be as defined in L.S.A.-R.S. 23:1294. It shall consist of seventeen members who are domiciled in Louisiana and appointed by the governor to serve at the pleasure of the governor. Each appointment by the governor shall be submitted to the Senate for confirmation.

Section 2. Two council members shall be representatives of labor and shall be presently or formerly affiliated with labor and residing and working in Louisiana.

Section 3. Two council members shall be representatives of business interests in Louisiana.

Section 4. One council member shall be representative of self-insured industries in Louisiana.

Section 5. One council member shall be an attorney licensed to practice law in Louisiana who has previously represented employers in workers’ compensation claims.

Section 6. One council member shall be an attorney licensed to practice law in Louisiana who has previously represented claimants in workers’ compensation claims.

Section 7. One council member shall be a representative from the Louisiana State Medical Society.
Section 8. Five council members shall be members of the general public, one from each Public Service Commission district.

Section 9. One council member shall be a representative from the Louisiana Orthopaedic Association.

Section 10. One council member shall be the director of the office of workers' compensation administration.

Section 11. One council member shall be a representative of the Chiropractic Association of Louisiana.

Section 12. One council member shall be a representative of the Louisiana Psychological Association.

Section 13. The chairman of the council shall be the director of the Office of Workers' Compensation Administration.

Section 14. Any change in membership to achieve the goal of geographic representation and diversity based on sex, race, and ethnicity shall occur by attrition.

Section 15. All members of the Louisiana Workers' Compensation Advisory Council shall be residents of and domiciled in the state of Louisiana at all times before and during their tenure as council members.

Section 16. The report to the governor mentioned in Article II, Section 2 above shall include a report on the attendance of each member of the Council to the Workers' Compensation Advisory Council meetings.

ARTICLE IV - OFFICERS

Section 1. The officers shall consist of the chairman, who shall be the director of the office of workers' compensation administration and the vice-chairman who may be named by the director, in his/her discretion. The term of office for the chair shall be so long as he/she holds the office of director. The term of office for the vice-chair shall be at the discretion of the director.

Section 2. The director shall preside at all meetings of the council. The director shall appoint members and designate chairpersons of such committees as may be necessary to promote the objectives of the council; make recommendations for appointment to the council, to fill any
vacant position on the council, subject to the approval of the governor and confirmation by the Senate.

Section 3. The vice-chairman shall perform official functions of the chairman during the absence or incapacity of the chairman. The vice-chairman shall assist the chairman in developing and carrying out programs and activities of the council, and shall carry out other duties which may be assigned by the chairman.

Section 4. The vice-chairman shall advise and assist the chairman as requested.

Section 5. No member of the council acting within the scope of his/her official functions and duties shall be held individually liable for a policy recommendation or policy action by the council, unless damage or injury is caused by the member’s willful or wanton misconduct.

ARTICLE V – IMMUNITY FROM LIABILITY

Section 1. A person immune from liability under the provisions of L.S.A.-R.S. 23:1294(1) shall not be subject to civil or administrative subpoena for his recommendations or exercise of judgment as a member of the council, including a subpoena seeking his oral or written testimony at trial, discovery, or other proceeding, and a subpoena duces tecum seeking documents, inspections, things or information in electronic or any other form.

ARTICLE VI – AMENDMENTS

Section 1. These Bylaws may be amended by the majority vote of council attending the 1st meeting of the calendar year beginning in calendar year 2018. The members of record shall be sent notice of any recommended amendments thirty (30) days prior to the 1st meeting of the calendar year.

ARTICLE VII – GENERAL

Section 1. Representations. No member of the council shall either take any action or make any representation on behalf of the council which is incompatible with the council’s objectives.

Section 2. Political Advancement. The council shall be strictly nonpolitical. No action or representation shall be made by the council, its officers, or committees which relates to the political advancement of any individual or group of individuals.

Section 3. Recommendations. No officers, committees, or members of the council as such shall publish any recommendations which imply the endorsement of such recommendation by the council unless duly approved by the membership.
Section 4. Meetings. The council may meet, at least, monthly or more frequently as determined by the chairman and at times and places determined by the chairman.

Section 5. Quorum. A quorum shall be required to conduct any business of the council. A quorum is the presence of, at least, nine (9) members of the council. A member attending a meeting by telephone shall not be permitted to vote and shall not be considered for purposes of determining a quorum.

Section 6. Order of Business. The business of the council shall be conducted in accordance with “Robert’s Rules of Order, Revised” when not in conflict with the rules of the council.

Section 7. Voting. All business of the council shall be determined by the majority vote of the council members present.

Section 8. Proxy Voting. Proxy voting shall not be permitted.

Section 9. Voting on Pending Legislation. The council shall vote favorably or unfavorably and may include recommendations and comments regarding such legislation and rules, on any and all legislation that affects the administration or resolution of workers’ compensation claims pending during any regular or special sessions of the legislature. Any report of the council on any pending legislation shall be made, by its chairman or vice-chairman, to either the House Labor and Industrial Relations Committee or the Senate Labor and Industrial Relations Committee or any other legislative committee to which legislation affecting the administration or resolution of workers’ compensation claims is assigned. In the absence of the chairman or vice-chairman any member of the council may report the action of the council to any legislative committee before which any pertinent legislation is being.

Section 10. Voting on Amended Legislation. Once reported on, if the substance of the pending legislation is substantially amended, the council shall be required to convene in a manner determined by the chair to reconsider favorably or unfavorably the amended legislation. The chair may utilize e-mail or teleconferencing when voting on amended legislation. A majority of the members voting, within a time period prescribed by the chair, shall determine the action taken by the council on amended legislation.

Adopted by a majority vote of the members present on this the 26th day of January, 2017, in Baton Rouge, Louisiana.

[Signature]
Sheral C. Kellett, Director
Office of Workers’ Compensation Administration
Louisiana Workforce Commission