

State of Montana
Employment Relations Division, Department of Labor and Industry
Labor-Management Advisory Council on Workers' Compensation
Project Charter

A. General Information

Project Name:	Labor-Management Advisory Council on Workers' Compensation	Date:	December 1, 2008
Controlling Agency:	Employment Relations Division	Modification Date:	
Prepared by:	Anne Wolfinger	Authorized by:	Keith Kelly

B. Project Purpose

The purpose of the Labor-Management Advisory Council on Workers' Compensation (hereafter, "Advisory Council") is to provide a structure for an organized discussion of workers' compensation public policy. The primary outcome of the Advisory Council will be recommendations to the Commissioner of the Department of Labor and Industry for proposed legislation for the 2011 Montana Legislature. A secondary outcome will be recommendations to the Commissioner on proposed legislation in the 2009 legislative session and on rule-making activities concerning workers' compensation during the term of the Advisory Council.

C. Project Objective

Agency Goals	Project Objectives
To provide, without regard to fault, wage loss and medical benefits to a worker suffering from a work-related injury or disease. Wage loss benefits are not intended to make an injured worker whole; they are intended to assist the injured worker at a reasonable cost to the employer. Within that limitation, the wage-loss benefit should bear a reasonable relationship to actual wages as a result of a work-related injury or disease.	To review and understand the current public policy of the Montana workers' compensation system.
To raise the level of awareness of Montana employers and employees about workplace safety and health.	To evaluate the current public policy of the Montana's workers' compensation based on specific and well-defined metrics and research from the Employment Relations Division staff and additional sources.
Claimants should be able to obtain benefits speedily and employers should be able to provide coverage at reasonably constant rates.	To provide direction to the WorkSafeMT board of directors and to approved WorkSafeMT initiatives.
To return injured workers to work as soon as possible after suffering a work-related injury or disease.	To provide direction and support to the transitional work committee of WorkSafeMT.
The system must be designed to minimize reliance upon lawyers and the courts to obtain benefits and interpret liabilities.	

D. Project Scope

During the initial two years, the Advisory Council researched and discussed four key areas for exploration of policy change, which were identified by the Workers' Compensation Study Project in 2006. These were safety issues, medical issues, return-to-work issues and settlement issues. In addition, the Advisory Council brought forward and discussed the additional topics of certification of claims examiners, claims closure and course and scope of work. The result was proposed legislation for the 2009 Legislature to fund the WorkSafe MT program, to require a letter of intent for proposed exemptions to workers' compensation, and to set up a voluntary certification program for claims examiners. In addition, the Advisory Council discussed and supported the changes to the nonfacility and facility fee schedules implemented in 2008 with rule-making authority from the 2007 Legislature.

During the next two year-term, the project scope of the Advisory Council will initially be:

Guide and support the workplace safety and transitional employment programs of WorkSafeMT

Promote the passage of the Advisory Council's legislation in the 2009 Legislature

Review for possible endorsement workers' compensation-related legislation proposed by others during the 2009 Legislature

It is anticipated the project scope will be expanded and this charter modified during or after the 2009 Legislature. Project scope decisions will be made by the Advisory Council within the parameters of the agency order. Subsequent modifications to the project scope will require a formal motion and vote by the Advisory Council.

E. Project Authority

• Project Sponsor

Project sponsor: Keith Kelly

The Labor-Management Advisory Council on Workers' Compensation is authorized under agency order by Keith Kelly, Commissioner of the Department of Labor and Industry. The project sponsor holds final approval of Advisory Council recommendations.

• Advisory Council

Responsibilities: Evaluate, discuss, request information as needed, and draw conclusions about the current system, both its strengths and areas for improvement; make recommendations to the project sponsor for legislation to be introduced in the 2011 Legislature; in addition, review legislation proposed by others during the 2009 Legislature.

• Project Manager

Project manager: Anne Wolfinger, PMP

Responsibilities: Ensure project is executed using best practices and methodologies; manage project documentation.

• Core Team


Project core team: Jerry Keck, Keith Messmer, Diana Ferriter, Dore Schwinden, Judy Bovington, and Dustin de Yong.

Responsibilities: Provide direction and support for Advisory Council; help frame issues and discussions; provide means and structures for Advisory Council to do its work effectively.

• Stakeholders

Stakeholders: All entities or individuals with a business or special interest in the Montana workers' compensation system.
Responsibilities: To be informed and consulted for input.

F. Signature

Name/Title	Signature	Date
Keith Kelly, Commissioner Department of Labor and Industry		December 1, 2008