

Judicial Branch Workers’ Compensation Program Advisory Committee
Annual Agenda¹—2022

Approved by Litigation Management Committee: May 26, 2022

I. COMMITTEE INFORMATION

Chair:	Shelby Wineinger, Court Executive Officer, Superior Court of California, County of El Dorado
Lead Staff:	Patrick Farrales, Supervising Analyst, Administrative Division
Committee’s Charge/Membership: In conjunction with Rule 10.350 , Rule 10.67 of the California Rules of Court states the charge of the Judicial Branch Workers’ Compensation Program Advisory Committee, which is to make recommendations to the council for improving the statewide administration of the Judicial Branch Workers’ Compensation Program and on allocation to and from the Judicial Branch Workers’ Compensation Fund established under Government Code section 68114.10. Rule 10.67 states that the committee must review: <ul style="list-style-type: none">• The progress of the Judicial Branch Workers’ Compensation Program;• The annual actuarial report; and• The annual allocation, including any changes to existing methodologies for allocating workers’ compensation costs. Rule 10.67 sets forth the membership position of the committee. The Judicial Branch Workers’ Compensation Program Advisory Committee currently has 16 members. The current committee roster is available on the committee’s web page.	
Subcommittees/Working Groups²: <ol style="list-style-type: none">1. Settlement Authority Working Group2. Deficit Reduction Alternatives Working Group	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

Meetings Planned for 2022³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

February 23, 2022 / 1:00 p.m. / Teleconference

March 28, 2022 / 1:00 p.m. / Teleconference

September [TBD], 2022 / Teleconference

December [TBD], 2022 / Teleconference

Check here if exception to policy is granted by Executive Office or rule of court.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Project Title Make Revisions to the Program’s Memorandum of Coverage [Program Project]	Priority 1 ⁵
<p>Strategic Plan Goal VI⁶</p> <p>Project Summary⁷: The committee will update the Program’s memorandum coverage to include the following provisions for workers’ compensation insurance: updating the policy to incorporate catastrophic incidents, documenting coverage of volunteers, establishing member reporting requirements, and creating a process for members to accept new terms and conditions.</p> <p>Status/Timeline: The project will begin on September 15, 2022 with the expectation that program revisions will be presented to the Litigation Management Committee for approval.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council’s offices of Branch Accounting & Procurement, Budget Services, and Legal Services.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All JBWCP members.</p> <p>AC Collaboration: N/A</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
2.	Project Title Reduce Workers' Compensation Claims Defense Costs [Program Project]	Priority 1⁵ Strategic Plan Goal VII⁶
<p>Project Summary⁷: The committee will review the workers' compensation program's claim defense costs and identify opportunities for cost savings. Priorities include identifying commonly overturned claim denials, developing case evaluation procedures before a claim is delayed or denied, contracting with a bill review service provider, and creating a task-based approach to litigation referrals.</p> <p>Status/Timeline: The project will begin on September 15, 2022 with the expectation that program revisions will be presented to the Litigation Management Committee for approval.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council's offices of Branch Accounting & Procurement and Budget Services.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All JBWCP members.</p> <p>AC Collaboration: N/A</p>		
3.	Project Title Set Program Financial Goals [Program Project]	Priority 1⁵ Strategic Plan Goal VII⁶
<p>Project Summary⁷: The committee will set financial goals for the Program to establish quantifiable targets and measure overall program performance, to assist with the contribution, dividend, and/or assessment analyses, and to benchmark performance with industry-established metrics.</p> <p>Status/Timeline: The project will begin on September 15, 2022 with the expectation that program revisions will be presented to the Litigation Management Committee for approval.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the committee with input from the Judicial Council's offices of Branch Accounting & Procurement and Budget Services.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		

#	New or One-Time Projects ⁴	
	<p><i>Internal/External Stakeholders:</i> All JBWCP members.</p> <p><i>AC Collaboration:</i> N/A</p>	

4.	<i>Project Title</i> Review Risk Control Options [Program Project]	<i>Priority 2</i> ⁵
		<i>Strategic Plan Goal III</i> ⁶
<p><i>Project Summary</i>⁷: The committee will review options to reduce risk on the program and court level, which includes evaluating the feasibility of loss ratings to identify members in need, developing optional or mandatory member-specific risk control measures for high premium participants, creating member score cards, and factoring experience rating in contribution calculations to incentivize improved loss experience.</p> <p><i>Status/Timeline:</i> The project will begin on December 2022 with the expectation that program revisions will be presented to the Litigation Management Committee for approval.</p> <p><i>Fiscal Impact/Resources:</i> Coordination through lead staff to the committee with input from the Judicial Council’s offices of Branch Accounting & Procurement and Budget Services.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> All JBWCP members.</p> <p><i>AC Collaboration:</i> N/A</p>		

#	Ongoing Projects and Activities ⁴	
1.	<i>Project Title</i> Allocation of Fiscal Year 2022-2023 Workers’ Compensation Premiums	<i>Priority 1</i> ⁵
		<i>Strategic Plan Goal VII</i> ⁶
<p><i>Project Summary</i>⁷: The Advisory Committee will consider recommendations to the Judicial Council regarding the fiscal year 2022-2023 workers’ compensation membership premium, which is based on the program’s actuarial evaluation.</p>		

Ongoing Projects and Activities⁴

Status/Timeline: The Advisory Committee will provide its recommendations in a report to the Judicial Council at its May 2022 meeting.

Fiscal Impact/Resources: Coordination through lead staff to the Advisory Committee with input from the Judicial Council’s Budget Services office.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: JBWCP Members

AC Collaboration: Recommendations and initiatives will be submitted to the Court Executives Advisory Committee, and Supreme Court and Appellate Court Clerk Executive Officers.

III. LIST OF 2021 and 2020 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	The committee has made excellent progress and has improved its funding position from -\$22M deficit in fiscal year 2016-17 to a projected \$4.6M surplus in fiscal year 2021-22.
2.	The committee reduced the program's third party administrator expenses by 19.2% and saved the program approximately \$514,000 by selecting a new third party administrator through a competitive solicitation process.
3.	The committee increased the program's funding confidence level from 50% to 60% in 2021, strengthening the program's ability to meet its debt obligations.
4.	The committee held three strategic planning meetings in 2021 to set priorities for the program over the next five years. The priorities include developing governance documentation, reducing workers' compensation claim defense costs, implementing risk control programs, and developing financial goals and metrics.