

Judicial Branch Workers' Compensation Program Advisory Committee

Annual Agenda¹—2023

Approved by Litigation Management Committee: May 11, 2023

I. COMMITTEE INFORMATION

Chair:	Shelby Wineinger, Court Executive Officer, Superior Court of California, County of El Dorado
Lead Staff:	Edward Metro, 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 13 members. The current committee roster is available on the committee's web page.	
Subcommittees/Working Groups²: 1. JBWCP Working Group	
Meetings Planned for 2023³ (Advisory body and all subcommittees and working groups) Date/Time/Location or Teleconference:	

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.

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

February 22, 2023 / 1:00 p.m. / Teleconference

September [TBD], 2023 / Teleconference

December [TBD], 2023 / Teleconference

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

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Project Title: Revise the Program’s Policies and Procedures	Priority 1⁵
<p data-bbox="170 318 1976 537">Project Summary⁷: The committee will continue to move forward with the review and revision of the program’s governing documents as outlined in the strategic planning goals. Last year, the committee reviewed and made recommendations to update the JBWCP’s Memorandum of Coverage. This year, the committee will review and update the JBWCP’s policies and procedures to include the following: applying for membership in the program, withdrawing from the program, outlining the process of how actuarial studies are conducted, defining the member contribution methodology, as well as defining the experience modification, the program’s target equity, and the member assessment process.</p> <p data-bbox="170 578 1976 646">Status/Timeline: The project will begin on September 15, 2023, with the expectation that program revisions will be presented to the Litigation Management Committee for approval.</p> <p data-bbox="170 686 1976 755">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 data-bbox="170 795 1976 863"><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 data-bbox="170 904 1976 938">Internal/External Stakeholders: All JBWCP members.</p> <p data-bbox="170 979 1976 1013">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.

#	Ongoing Projects and Activities⁴	
1.	Project Title Allocation of Fiscal Year 2023-2024 Workers' Compensation Premiums	Priority 1⁵ Strategic Plan Goal⁶ VII
<p>Project Summary⁷: The Advisory Committee will consider recommendations to the Judicial Council regarding the fiscal year 2023-2024 workers' compensation membership premium, which is based on the program's actuarial evaluation.</p> <p>Status/Timeline: The Advisory Committee will provide its recommendations in a report to the Judicial Council at its May 2023 meeting.</p> <p>Fiscal Impact/Resources: Coordination through lead staff to the Advisory Committee with input from the Judicial Council's Budget Services office.</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: JBWCP Members</p> <p>AC Collaboration: Recommendations and initiatives will be submitted to the Court Executives Advisory Committee, and Supreme Court and Appellate Court Clerk Executive Officers.</p>		
2.	Project Title: Reduce Workers' Compensation Claims Defense Costs	Priority 1⁵ Strategic Plan Goal⁶ VII
<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: During the 2022-23 program year, the JBWCP transitioned to a new Third Party Administrator (TPA). The JBWCP has been in discussion with the new TPA on methods of reducing Worker's Compensation Claims Defense Costs. The program initiated the first phase of this project on September 15, 2022, which includes observing and gathering information on the new TPA's use of litigation management. The program, in partnership with the TPA, will continue to review the use of attorneys and monitor the defense costs this program year 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>		

#	Ongoing Projects and Activities⁴	
	<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: JBWCP Members</p> <p>AC Collaboration: N/A</p>	
3.	Project Title: Set Program Financial Goals	Priority 2⁵
<p>Strategic Plan Goal⁶ VII</p> <p>Project Summary⁷: Now that the Program’s deficit has been addressed, the committee will set financial goals in an ongoing effort to establish quantifiable targets and measure overall program performance with industry-established metrics. The Program will develop financial statements to increase the transparency of the funding level of the program and educate members on the funding methodology.</p> <p>Status/Timeline: Although the project began on September 15, 2022, the prior initiatives took precedence. The Program will begin the first phase of developing financial statements to track the funds’ asset balance on a quarterly basis 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: JBWCP Members</p> <p>AC Collaboration: N/A</p>		
4.	Project Title: Review Risk Control Options	Priority 2⁵
<p>Strategic Plan Goal⁶ VII</p> <p>Project Summary⁷: The committee will continue to review options to reduce risk on the program and court level through education and resources. In addition, the Program will develop an inhouse dashboard to evaluate the program for preventable losses. The Program will continue exploring the feasibility of loss ratings to identify members in need, developing optional or mandatory member-specific risk</p>		

Ongoing Projects and Activities⁴

control measures for high premium participants, creating member score cards, and factoring experience rating in contribution calculations to incentivize improved loss experience.

Status/Timeline: The project will begin in September 15, 2023, with the expectation that program revisions will be presented to the Litigation Management Committee for approval.

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.

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.

LIST OF 2022 and 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	The committee has updated the program’s memorandum of coverage to include the following: defining occurrence and catastrophic incidents, documenting coverage of volunteers and interns, establishing member reporting requirements and responsiveness, including language when involving other insurances, out of state coverage, disputes and appeals, as well as creating a process for members to accept terms and conditions.
2.	The committee has made excellent progress and has improved its funding position from -\$22M deficit in fiscal year 2016-17 to a projected \$9.8M surplus in fiscal year 2022-23. This is mainly due to positive claim development and reduced third party administrator expenses.