

1 Workers' Compensation Full Board Meeting Minutes

2
3 **Date:** Tuesday, February 11, 2025

4 **Location:** 328 State St., Schenectady, NY
5 Room 324

6 **Time:** Webcast Live
7 10:00 a.m.

8 **MEMBERS OF THE BOARD**

9 Clarissa M. Rodriguez, Chair

10 Freida Foster, Vice Chair

11 Mark Higgins

12 Steven A. Crain, Esq.

13 Mark R. Stasko

14 Pamela Caggianelli

15 Arelis Tavares

16 Martin M. Dilan

17 Renee Delgado, Esq.

18 Gloribelle Perez, Esq.

19 **APPEARING REMOTELY PER PUBLIC OFFICERS LAW § 103-a[2][c]**

20 Loren Lobban

21 Samuel Williams

22 Linda Hull

23 **EXECUTIVE DIRECTOR**

24 Steven M. Scotti, Esq.

SECRETARY TO THE BOARD

Laura Inglis

GENERAL COUNSEL

Heather MacMaster, Esq.

ASSOCIATE ATTORNEY

Heather Justice, Esq.

ALSO PRESENT:

Nina Santana, Equal Opportunity Specialist

1 CLARISSA RODRIGUEZ: Okay, good morning,
2 everyone. Welcome.

3 ALL: Welcome. Morning.

4 CLARISSA RODRIGUEZ: Morning. Thank you
5 for joining us this morning. I'm Clarissa Rodriguez,
6 Chair of the New York State Workers' Compensation
7 Board. Today's Full Board meeting is being webcast
8 live for members of the public, so welcome. It is
9 also facilitated by our American Sign Language
10 Interpreters. Welcome Interpreters, thank you for
11 joining us.

12 I now have the honor of calling the 1,040th
13 meeting of the Full Board to order. Madam Secretary,
14 will you please call attendance?

15 LAURA INGLIS: Vice Chair Foster.

16 FREIDA FOSTER: Here.

17 LAURA INGLIS: Board Member Higgins.

18 MARK HIGGINS: Here.

19 LAURA INGLIS: Board Member Lobban.

20 LOREN LOBBAN: Here.

21 LAURA INGLIS: Board Member Williams.

22 SAMUEL WILLIAMS: Here.

23 LAURA INGLIS: Board Member Hull.

24 LINDA HULL: Here.

1 LAURA INGLIS: Board Member Crain.
2 STEVEN CRANE: Here.
3 LAURA INGLIS: Board Member Stasko.
4 MARK STASKO: Here.
5 LAURA INGLIS: Board Member Tavares.
6 ARELIS TAVARES: Here.
7 LAURA INGLIS: Board Member Caggianelli.
8 PAMELA CAGGIANELLI: Here.
9 LAURA INGLIS: Board Member Dilan.
10 MARTIN DILAN: Here.
11 LAURA INGLIS: Board Member Delgado.
12 RENEE DELGADO: Here.
13 LAURA INGLIS: And Board Member Perez.
14 GLORIBELLE PEREZ: Here.
15 LAURA INGLIS: Madam Chair, Board Members
16 Williams, Lobban and Hull are joining us remotely
17 today.
18 CLARISSA RODRIGUEZ: Okay, thank you, Madam
19 Secretary. Board Members, you have all received a
20 copy of the January 14, 2025 meeting minutes for
21 review. Are there any questions or need for
22 discussion about the Board meeting minutes? Okay,
23 hearing none, may I please have a motion to approve
24 the Board meeting minutes for January 2025?

1 MARK STASKO: Yes, Madam Chair, this is
2 Board Member Stasko, and I move that we approve the
3 minutes.

4 CLARISSA RODRIGUEZ: Thank you, Board
5 Member Stasko. Is there a second?

6 PAMELA CAGGIANELLI: Yes, Madam Chair, this
7 is Board Member Caggianelli, and I second that motion.

8 CLARISSA RODRIGUEZ: Thank you, Board
9 Member Caggianelli. Is there any opposition to the
10 motion? Okay, hearing none, Board Members all in
11 favor, please say aye.

12 ALL: Aye.

13 CLARISSA RODRIGUEZ: Thank you. All
14 opposed? Hearing no opposition, I am also a yes, that
15 motion is passed. Thank you. Agenda Item 2, Office
16 of General Counsel's Departmental Report. General
17 Counsel, Heather MacMaster, will now present the
18 Office of General Counsel's Departmental Report for
19 January 2025.

20 HEATHER MACMASTER: Thank you, Madam Chair,
21 Madam Vice Chair, Members of the Board. In January of
22 2025 in the Office of General Counsel, the
23 Adjudication Division held 18,838 hearings, and
24 resolved 12,488 cases at the hearing, and issued 368

1 Reserve Decisions. The Adjudication Division also
2 finalized 1636 Waiver Agreements.

3 In the Administrative Review Division, 978
4 applications for review were received, 917 were
5 processed, and there are currently 8,223 applications
6 pending. And in Legal Affairs, 76 Full Board Review
7 applications were received, 106 were processed, and
8 there are currently 208 applications pending. Thank
9 you.

10 CLARISSA RODRIGUEZ: Thank you, Heather.
11 Board Members, are there any questions or need for
12 discussion? Okay, hearing none, may I please have a
13 motion to accept the Office of General Counsel's
14 Departmental Report?

15 MARK HIGGINS: Yes, Board Member Mark
16 Higgins, I move to accept the General Counsel's
17 report.

18 CLARISSA RODRIGUEZ: Thank you, Board
19 Member Higgins. Is there a second?

20 STEVEN CRANE: Second. Board Member Crain.

21 CLARISSA RODRIGUEZ: Okay, thank you, Board
22 Member Crain. Is there any opposition to the motion?
23 Okay, hearing none, Board Members all in favor, please
24 say aye.

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ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? Thank you. I am also a yes, that motion is passed. Thank you. Agenda Item 3, Licensing Applications. Associate Attorney, Heather Justice, will now present any Licensing Applications for the past month. Hi, Heather.

HEATHER JUSTICE: Hi. Good morning, Madam Chair, Madam Vice Chair, Board Members, and Colleagues. You have before you the recommendations from the Assigned Board Panel regarding the Licensing Applications listed in Part 3 of today's agenda. Section 24-a, John D. Marks, three-year renewal. Section 50 (3-d), Johnston and Associates, QO Matthew Mead, Esquire, three-year renewal. I present these recommendations to the Board for your approval.

CLARISSA RODRIGUEZ: Thank you. Board Members, are there any questions or need for discussion? Hearing none, may I please have a motion to accept the recommendations of the Board Panels as presented?

PAMELA CAGGIANELLI: Yes, Madam Chair, this is Board Member Caggianelli, and I move that we approve the Licensing Applications as stated.

1 CLARISSA RODRIGUEZ: Thank you, Board
2 Member Caggianelli. Is there a second?
3 MARK STASKO: I second the motion.
4 CLARISSA RODRIGUEZ: Okay.
5 MARK STASKO: Board Member Stasko.
6 CLARISSA RODRIGUEZ: Thank you, Board
7 Member Stasko. Is there any opposition to the motion?
8 Okay, seeing and hearing none, Board Members all in
9 favor, please say aye.
10 ALL: Aye.
11 CLARISSA RODRIGUEZ: Thank you. All
12 opposed? Hearing no opposition, I am also a yes, that
13 motion is passed. Thank you. Agenda Item 4, Legal
14 Appeals. Heather MacMaster will now present the
15 recommendations concerning decisions by the Appellate
16 Division.
17 HEATHER MACMASTER: Thank you, Madam Chair.
18 With respect to Items 4A through 4G, it is the
19 recommendation of the Office of General Counsel that
20 the Board adopt the decisions of the Appellate
21 Division, Third Department, as the decisions of the
22 Board.
23 CLARISSA RODRIGUEZ: Thank you, Heather.
24 May I please have a motion to accept the

1 recommendations of the Office of General Counsel?

2 STEVEN CRANE: Steven Crain --

3 MARK HIGGINS: Yes, Board Member Mark
4 Higgins, I move that we accept the recommendations of
5 General Counsel.

6 CLARISSA RODRIGUEZ: Okay, thank you, Board
7 Member Higgins. And seconded by Board Member Crain?

8 STEVEN CRANE: Certainly.

9 CLARISSA RODRIGUEZ: Okay, great. Is there
10 any opposition to the motion? Okay, hearing no
11 opposition, Board Members all in favor, please say
12 aye.

13 ALL: Aye.

14 CLARISSA RODRIGUEZ: Thank you. All
15 opposed? Okay, hearing and seeing no opposition, I am
16 also a yes, that motion is passed. Agenda Item 5,
17 Mandatory Full Board Review. We start with case 5A,
18 Nassau Regional Off-Track Betting, case number
19 G0813802, is there a motion with respect to 5A on the
20 agenda?

21 MARTIN DILAN: Board Member Dilan, and I
22 move that we accept the Office of General Counsel's
23 recommendation to accept the Board Panel's decision as
24 the decision of the Full Board.

1 CLARISSA RODRIGUEZ: Thank you, Board
2 Member Dilan. Is there a second?

3 GLORIBELLE PEREZ: Board Member Perez, I
4 second that motion.

5 CLARISSA RODRIGUEZ: Thank you, Board
6 Member Perez. Does anyone need to be recused from
7 this matter? Okay, having no recusals, is there any
8 opposition to the motion? Okay, seeing and hearing no
9 opposition, Board Members all in favor, please say
10 aye.

11 ALL: Aye.

12 CLARISSA RODRIGUEZ: All opposed? Hearing
13 no opposition, I am also a yes, that motion is passed.
14 Thank you, Board Members. 5B, DOCCS Cape Vincent
15 Correctional Facility, case number G2550082. Now is
16 there a motion with respect to 5B on the agenda?

17 ARELIS TAVARES: Yes, Madam Chair, Board
18 Member Tavares, I move that the Board Panel's decision
19 be adopted as the decision of the Full Board.

20 CLARISSA RODRIGUEZ: Thank you, Board
21 Member Tavares. Is there a second?

22 RENEE DELGADO: Yes, Board Member Delgado, I
23 second.

24 CLARISSA RODRIGUEZ: Thank you, Board

1 Member Delgado. Are there any recusals from this
2 matter? Okay, hearing none, is there any opposition
3 to the motion? Okay, hearing none, Board Members all
4 in favor, please say aye.

5 ALL: Aye.

6 CLARISSA RODRIGUEZ: Thank you. All
7 opposed? Okay, seeing and hearing no opposition, I am
8 also a yes, that motion is passed. Thank you. 5C,
9 FOJP Service Corporation, case number G2406989. Is
10 there a motion with respect to 5C on the agenda?

11 RENEE DELGADO: Yes, Madam Chair, Board
12 Member Delgado, I move that we affirm the unanimous
13 Board Panel decision.

14 CLARISSA RODRIGUEZ: Okay, thank you, Board
15 Member Delgado. Is there any second?

16 ARELIS TAVARES: Board Member Tavares, I
17 second.

18 CLARISSA RODRIGUEZ: Okay, thank you, Board
19 Member Tavares. Are there any recusals from this
20 matter? Okay, hearing none, is there any opposition
21 to the motion? Again, hearing none, Board Members all
22 in favor, please say aye.

23 ALL: Aye.

24 CLARISSA RODRIGUEZ: Thank you. All

1 opposed? Okay, seeing and hearing none, I am also a
2 yes, that motion is passed. Thank you. Agenda
3 Item 6, Discretionary Full Board Review. I now turn
4 this portion of the agenda over to Vice Chair Freida
5 Foster. Good morning.

6 FREIDA FOSTER: Good morning. Thank you,
7 Madam Chair. For the cases, for the case listed in
8 Item 6 of your agenda, it is recommended that Full
9 Board Review be granted. And that case is the
10 Matter -- 6A, Matter of New York State Police. I move
11 to refer the case back to the respective Panel for
12 further consideration.

13 CLARISSA RODRIGUEZ: Thank you, Vice Chair
14 Freida Foster. Is there a second?

15 PAMELA CAGGIANELLI: Yes, Madam Chair, this
16 is Board Member Caggianelli, and I second that motion.

17 CLARISSA RODRIGUEZ: Thank you, Board
18 Member Caggianelli. Are there any recusals from this
19 matter? Hearing none, is there any opposition to the
20 motion? Okay, seeing and hearing no opposition, Board
21 Members all in favor, please say aye.

22 ALL: Aye.

23 CLARISSA RODRIGUEZ: Thank you. All
24 opposed? Okay, seeing and hearing no opposition, I am

1 also a yes, that motion, too, is passed. Thank you.
2 Agenda Item 7, is there any other business? Well in
3 that case, I'd like to take a moment of personal
4 privilege to announce that I have decided to step down
5 as Chair of the Board. Until such time as a new Chair
6 is appointed and confirmed by the Senate, I'll have a
7 lot more to say in the coming months, but for now I'll
8 continue to serve as Chair. And I'm very grateful to
9 the Governor for allowing me to do so.

10 And with that, I think we'll open it up to our
11 guest speaker, Nina Santana, who is our Equal
12 Opportunity Specialist. Nina Santana serves the Board
13 as an Equal Opportunity Specialist under the DEI unit,
14 as well as the Designee for Reasonable Accommodations.

15 Prior to joining the Board, Nina primarily worked
16 for non-profits, serving people with intellectual and
17 developmental disabilities. Nina previously worked
18 for the ARC New York, educating families and adults
19 with disabilities on various financial planning tools
20 available to those who received SSI and/or Medicaid
21 support. Nina also worked in vocational
22 rehabilitation as a job coach for people with
23 disabilities.

24 Her previous experience in marketing and

1 community outreach connected her to this community and
2 the desire to serve marginalized communities. Nina
3 received a bachelor's degree from the College of Saint
4 Rose. Welcome Nina. Thank you for being here today.

5 NINA SANTANA: Thank you very much. And
6 thank you all for this invitation today. It's a
7 pleasure to be here and to have this opportunity to
8 share with you the vision of the DEI unit, and what
9 we've been working on so far.

10 As the Chair said, my name is Nina Santana, I'm
11 the Board's Equal Opportunity Specialist. Our Chief
12 Diversity Officer, Adedapo Orederu, also known as
13 Dapo, sends his regards, and wishes he could be here
14 today, however, he did have a scheduling conflict. We
15 both want to thank you again for the invitation.

16 I know that my time is limited, so I will jump
17 right in. Today, again, I hope to share with you a
18 bit about the work we've been doing, and what we plan
19 to do going forward.

20 So we will begin with the Board's commitment
21 statement to DEI. Then we'll move on to discuss the
22 creation of the DEIBA training and the feedback that
23 we've received thus far. We'll talk about our DEI
24 Council now that they are in their third year. We'll

1 discuss the Core Values Committee and how that came to
2 be. I'll give you an update on Reasonable
3 Accommodations. And we'll discuss some employment,
4 employee engagement initiatives that we hope to
5 implement moving forward.

6 So first we want to acknowledge the Board's
7 commitment to DEI. In light of the recent
8 administration change, we felt it appropriate and
9 important to reassure our staff that we will continue
10 on in our efforts. This quote is an excerpt taken
11 from that statement, which was distributed last
12 Thursday by our Chair and Executive Director.

13 Immediately after sending, Dapo received a number
14 of responses expressing support and gratitude. Based
15 on guidance from Chamber, we've also met with our
16 Office of General Counsel, and were given the
17 opportunity to express any concerns we have moving
18 forward in the current climate, which was greatly
19 appreciated.

20 Now rewinding back to August of 2022, our unit
21 distributed a DEI culture survey. Over 40% of our
22 staff completed that survey, and the results drove the
23 creation of our DEIBA training. DEIBA stands for
24 diversity, equity, inclusion, belonging, and

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accessibility.

So the first bullet that you see here is the heart of our training, it's how we kick off each session. This training is intended to be foundational and to bring everyone to a mutual place of understanding and respect.

In Module 1, we define the DEIBA terms and how they apply to our work day. We also introduce the concept of intersectionality, which supports the idea that we are so much more than what we see on the surface. Our identities are complex, and they intersect to create the various experiences of our lives. We discuss the importance of embracing differences and diverse thought.

In Module 2, we discuss the importance of fostering a sense of belonging at work. How each of our roles is a piece of the puzzle, and how the puzzle is incomplete if even one piece is missing. We task our leaders with being more inclusive, as that is what leads our staff to feel that they belong.

In Module 3, we acknowledge that everyone has biases, and that biases are not innately bad, some even protect us. However, building an awareness of implicit biases is important as we seek out

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collaboration in the workplace.

And finally, Module 4, we talk about the importance of language. We give best practices for effective communication, and discuss how to mitigate harmful language, such as microaggressions.

After every training session attendees are sent an anonymous survey link to allow them to provide honest feedback. The responses we have received so far have been overwhelmingly positive. The reoccurring theme is that participants are pleasantly surprised by the training even if they came into the room feeling apprehensive. These are just a few examples of the responses that we've received.

About 15% of staff has taken this training already, and we plan to present this to about 80% of staff by the end of 2025. That 15% number will actually increase by the end of today, as Dapo and the Staff Development team are currently presenting a DEIBA training. That is the reason why he wasn't able to join us here today. We felt that it was important that Dapo be in the room and be available to staff during this training to address any sensitive questions that may come up.

And moving on to our DEI Council, we are pleased

1 to announce that council is on their third year. The
2 DEI Council guides DEI initiatives and priorities and
3 serves as support to our unit. The DEI Council
4 subcommittees help to push forward initiatives. Year
5 2 initiatives include development of our leadership
6 toolkit, updates to our RA page on the HUB. They were
7 our pilot focus group for the DEIBA training. We made
8 improvements to our Language Access Services based on
9 our judges' feedback. And they support our growing
10 Board Book Club.

11 Now going back again to 2023, our leaders met and
12 discussed the values of our agency. In 2024, we
13 collaborated with the PIO unit to form the Core Values
14 Committee, which is led by Dapo and Pam Barnhart. So
15 what you see on your screen now are the drafted Core
16 Values identified by our leadership.

17 Now the Core Values Committee has been tasked
18 with gathering feedback from staff regarding these
19 values to discuss what they mean to staff, and whether
20 they fully represent the kind of organization that
21 they want to be a part of. The Core Values Committee
22 will plan to meet regularly in the following months to
23 solidify the Agency's values. Once finalized, these
24 values will drive a number of our initiatives.

1 Now Reasonable Accommodations, for anyone that's
2 unfamiliar with the term, are adjustments made to a
3 work environment, or manner in which a job is
4 performed, to allow a person to complete the essential
5 functions of their job. They are meant to remove
6 barriers caused by a disability without putting undue
7 hardship on the employer. For example, providing
8 someone with a sit-to-stand desk.

9 Executive Order 31, passed by Governor Hochul in
10 2023, highlights the importance of maintaining and
11 providing education on the RA process to better inform
12 our staff about the purpose of an RA, and how to
13 apply. We've met with the Chief Disability Office,
14 overseen by Chamber, who has expressed their intent to
15 provide these trainings within the following year.

16 And finally, our focus moving forward. The DEI
17 vision for the Board has always been to enhance
18 employee engagement. By doing so, we hope to create
19 an environment where our staff shows up fully present
20 to work and ready to voice their ideas.

21 Through this open environment we can be a
22 community of professionals efficiently working towards
23 a common goal. Our Mission Statement. These
24 initiatives have been in discussion for the past year,

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and we hope to gain momentum in 2025.

And with that, I want to thank you again for giving us this opportunity. If you have any questions, please don't hesitate to reach out to myself or Dapo. Thank you.

CLARISSA RODRIGUEZ: Thank you.

ALL: Thank you. (Clapping).

CLARISSA RODRIGUEZ: Thank you, Nina.

Thank you for all the work that you and Dapo do as a DEI unit of two. You are small, but mighty. And not only do you support all the rest of our staff and the other units, but you are a beacon of hope, especially in these times. So thank you so much for your continued commitment.

NINA SANTANA: Thank you.

CLARISSA RODRIGUEZ: So, and with that, Board Members, may I please have a motion to adjourn today's meeting?

MARTIN DILAN: So moved.

CLARISSA RODRIGUEZ: Okay. May I have a second?

STEVEN CRAIN: Second.

CLARISSA RODRIGUEZ: Okay, thank you for that second. Is there any opposition to the motion?

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All right, seeing and hearing none, Board Members all in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: Thank you. All opposed? Hearing no opposition, I am also a yes, that motion is passed. Meeting adjourned. Thank you, everyone.

(Whereupon, the meeting was adjourned.)