

A G E N D A

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

1333 Main Street, 5th Floor
Columbia, South Carolina 29201

October 22, 2012 – 10:30 a.m.

Commission Hearing Room A

This meeting agenda was posted prior to the meeting and proper advance notice was made to all concerned parties in compliance with requirements in the Freedom of Information Act.

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| 1. | APPROVAL OF AGENDA OF BUSINESS MEETING
OF OCTOBER 22, 2012 | <i>CHAIRMAN BECK</i> |
| 2. | APPROVAL OF MINUTES OF THE BUSINESS MEETING
OF SEPTEMBER 17, 2012 (Tab 1) | <i>CHAIRMAN BECK</i> |
| 3. | GENERAL ANNOUNCEMENTS | <i>MR. CANNON</i> |
| 4. | APPLICATIONS FOR APPROVAL TO SELF-INSURE (Tab 2) | <i>MR. SMITH</i> |
| 5. | DEPARTMENT DIRECTORS' REPORTS
Administration – Financial Report (Tab 3)
Human Resources (Tab 4)
Information Services (Tab 5)
Insurance & Medical Services (Tab 6)
Claims (Tab 7)
Judicial (Tab 8) | <i>MS. GANTT</i>
<i>MS. FLOYD</i>
<i>MS. HARTMAN</i>
<i>MR. DUFFIELD</i>
<i>MR. LINE</i>
<i>MS. CROCKER</i> |
| 6. | EXECUTIVE DIRECTOR'S REPORT (Tab 9) | <i>MR. CANNON</i> |
| 7. | OLD BUSINESS
A. R67-213 Official Receipt of Electronic Notification (Tab 10) | <i>CHAIRMAN BECK</i>
<i>Mr. Cannon</i> |
| 8. | NEW BUSINESS | <i>CHAIRMAN BECK</i> |
| 9. | ADJOURNMENT | <i>CHAIRMAN BECK</i> |

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9	Executive Director's Report
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THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
BUSINESS MEETING

Monday, September 17, 2012

A Business Meeting of the South Carolina Workers' Compensation Commission was held in Hearing Room A of the Workers' Compensation Commission on Monday, September 17, 2012 at 10:30 a.m. The meeting agenda was posted prior to the meeting and proper advance notice was made to all concerned parties in compliance with requirements in the Freedom of Information Act. The following Commissioners were present:

T. SCOTT BECK, INTERIM CHAIRMAN
SUSAN S. BARDEN, VICE CHAIR
MELODY L. JAMES, COMMISSIONER
GENE MCCASKILL, COMMISSIONER
ANDREA C. ROCHE, COMMISSIONER
AVERY B. WILKERSON, JR., COMMISSIONER
DERRICK L. WILLIAMS, COMMISSIONER

Present also were Gary M. Cannon, Executive Director; Grant Duffield, Insurance and Medical Services Director; Virginia Crocker, Judicial Director; Greg Line, Claims Director; Diana Gantt, Accounting/Fiscal Manager; Wayne Ducote, Coverage Director; W.C. Smith, Self-Insurance Director; Betsy Hartman, IT Director; Amanda Underhill, Senior Application Analyst; and Keith Roberts, Law Clerk; Visitors present were Kristian Cross, Collins & Lacy, P.C., Henning Leise, and Yannis Jannis Kolodzig

Chairman Beck called the meeting to order at 10:30 a.m.

AGENDA

Commissioner Barden moved that the agenda be approved. Commissioner Williams seconded the motion, and the motion was approved.

APPROVAL OF MINUTES - BUSINESS MEETING OF AUGUST 27, 2012

Commissioner Wilkerson moved that the minutes of the Business Meeting of August 27, 2012 be approved. Commissioner Roche seconded the motion, and the motion was approved.

GENERAL ANNOUNCEMENTS

Gary Cannon introduced and welcomed Jannis Kolodzig, a student from Germany, and his host, Henning Leise. Jannis is visiting and shadowing businesses and governments for scholastic credits.

APPLICATIONS FOR APPROVAL TO SELF-INSURE

Self-insurance applications were presented by W.C. Smith, Self-Insurance Director. Eight (8) prospective members of one (1) fund were presented to the Commission for approval. The applications were:

SC Home Builders SIF

Carolina Modular Inc.
Dunwoody Enterprises Inc. DBA First Response
Island Builders of Hilton Head Inc.
Lanier Construction Company Inc.
MTT Construction
Rutland Air Inc. dba Rutland Mulching Service
The Wright Group Heating – AIR LLC
TM Properties LLC

After examination of the applications, it was determined that each complied with the Commission's requirements and each was recommended for approval. Commissioner Wilkerson made the motion to approve the applications to self-insure, and Commissioner Williams seconded the motion. The motion was unanimously approved.

DEPARTMENT DIRECTORS' REPORTS

The Department Directors presented their reports which were also submitted to the Commission in written form.

Administration Department

Diana Gantt presented the Summary of Revenues and Expenditures for the period ending August 31, 2012. The benchmark for August is 16.67%. The Commission's revenues are at 12.92%, and expenses are at 19%. Ms. Gantt noted that the benchmark for salaries is high due to three payrolls processed during the month of August.

Human Resources Department

On behalf of Cathy Floyd, Ms. Gantt presented the Human Resources report for the period of August 15 – September 11, 2012. Ms. Gantt pointed out the following highlights from the report:

- Phase two of the DACUM process will begin by the end of September
- All regular Employee Performance Management Systems (EPMS) are due October 1, 2012
- Ms. Floyd attended the *Annual Benefits at Work Conference* provided by Employee Insurance Program
- Annual Open Enrollment will be held the month of October for 2013

Information Services

Betsy Hartman presented the Information Services Department's report. IT continues testing with trading partners on EDI Release 3. The State Accident Fund and Mitchell are in the approval process.

Ms. Hartman reported she is finalizing the 2011-2012 Accountability Report which is due September 17, 2012.

Ms. Hartman reported DSIT is setting up a new secure Virtual Private Network (VPN) that will be used for the iPads and laptops. DSIT is conducting security testing on OnBase Mobile Application.

Insurance & Medical Services

Grant Duffield presented the Insurance & Medical Services Department's report. He reported Wayne Ducote continues with his duties as Coverage Director as well as serve as Interim Director of Compliance. Mr. Duffield commended Mr. Ducote on an outstanding job in better defining compliance procedures and working with the compliance officers to improve the compliance processes. Compliance Division is now using process servers for Order and Rule to Show Cause service process.

Mr. Duffield reported the Home Builders Association will launch the Proof of Coverage Project at their association meeting on September 20.

Mr. Duffield noted a correction in his report under Compliance fines; change 1.02% to 102%, so that it reads, "Year to Date, the Compliance Division has collected \$41,894 in fines which represents 102% of prior year's accrual."

Claims Department

Greg Line presented the Claims Department's report. Mr. Line reported the department processed approximately 2,000 more forms in August compared to July. For the past five months the Form 18 fines assessed have averaged 230 fines per month.

Judicial Department

Virginia Crocker presented the Judicial Department's report. The report was amended this month to report all Mediations and Information Conferences cases on a separate report.

Ms. Crocker reported the completion of mediation in an aggregate case matter that settled for \$1.6 million.

Commissioner James left the Business Meeting at 10:45 a.m.

EXECUTIVE DIRECTOR'S REPORT

Gary Cannon, Executive Director, presented his report which was also submitted to the Commission in written form. He pointed out the following highlights from his report:

Second Injury Fund RFP Evaluation Panel

Mr. Cannon reported he has agreed to serve on a panel to evaluate requests for proposals from actuaries concerning the closing of the Second Injury Fund. The first meeting was held on Friday, September 14. Proposals were received from six (6) actuaries. These proposals will be reviewed over the next two weeks.

Commuted Value Discount Calculation Advisory Committee

The Commuted Value Discount Calculation Advisory Committee will hold its second meeting on Friday, September 21. The Committee will review research conducted regarding the method other states use to determine an appropriate discount rate when workers' compensation benefits are paid in a lump sum. The Committee will also review a proposal with regard to a primer on commuted values and discounted values submitted by Dr. Eric Powers, associate professor, USC Moore School of Business.

Surgical Implant Advisory Committee

The Surgical Implant Advisory Committee continues to be held in abeyance until the SC Hospital Administration's Task Force completes their work with regard to developing data pertaining to hospitals costs of implantable devices.

SC Vocational Rehabilitation Department

Mr. Cannon distributed a memo from Michelle Prevost, SCVRD Counselor, regarding SCVRD/WCC referrals for the month of September.

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. R67-213 Official Receipt of Electronic Notification

Chairman Beck said he asked Keith Roberts to research the issue concerning the date service is deemed complete on service of documents (hearing notices, orders, etc.). The service of Orders and Hearing Notices by the Commission is governed by R67-213. The regulation is silent as to the date service is deemed complete when service is made electronically. Chairman Beck recognized Mr. Roberts.

Mr. Roberts said that the South Carolina Rules of Civil Procedure do not allow for service electronically. The Federal Rules of Civil Procedure do, however, allow for service electronically. The Federal Rules provide that electronic service is deemed served when transmitted. However, Rule 6 of the Federal Rules of Civil Procedure provides an additional three days for service made by mail, made by personal delivery, and made electronically.

Mr. Roberts said when R67-213 was amended in 2010 only the words "electronically served" were added to the regulation. The regulation as it currently stands provides for three methods of service: electronic, first class, and certified. The regulation only speaks to the date service is completed on two of those methods; first class and certified.

Mr. Roberts presented the following suggested approaches:

- (1) Take no action and wait until the issue is brought before a court commission panel in a specific contested case whereas the Commission would make a finding as to when service is complete.
- (2) Amend the regulation and include a provision similar to that included in Rule 6 of the Federal Rules of Civil Procedure that explicitly states when service is deemed complete.
- (3) Commission adopt as a policy considering whether electronic service constitutes a mailing and, if so, service would be deemed complete five days from date of service.

Motion to Carry Over Matter to Next Month

Following discussion, Commissioner Barden moved to carry the matter over for a month to allow Commissioners time to give it some thought. She thanked Chairman Beck for bringing the matter before the Commission. Commissioner Roche seconded the motion. The vote was taken, and the motion carried.

Commissioner Williams requested Mr. Roberts to research the Court of Appeals for the Fourth Circuit Court and the District Court of South Carolina for possible rulings in contested cases concerning this issue. Chairman Beck added to provide the information to Mr. Cannon to distribute to Commissioners in advance of October's Business Meeting.

B. Commissioners Annual Ethics Training

Mr. Cannon proposed November 13, 2012 from 2:00 – 5:00 p.m. as the date and time for the annual ethics training for Commissioners and their administrative assistants. Following discussion, Commissioners agreed to schedule the annual ethics training on November 13, 2012 from 2:00 – 5:00 p.m.

ADJOURNMENT

Commissioner Williams made the motion to adjourn. Commissioner Barden seconded the motion, and the motion was approved.

The September 17, 2012 meeting of the South Carolina Workers' Compensation Commission adjourned at 11:02 a.m.

Reported October 22, 2012

Kim Ballentine, Office of the Executive Director

INTEROFFICE MEMORANDUM

TO: GARY CANNON, EXECUTIVE DIRECTOR
FROM: DIANA GANTT, DIRECTOR OF ADMINISTRATION
SUBJECT: FINANCIAL REPORT PERIOD ENDING SEPTEMBER 30, 2012
DATE: 10/11/2012

The Summary of Revenues and Expenditures for the period ending September 30, 2012 is attached.

- September is the 3rd Fiscal Month of FY13.
- There were 83 payments made to vendors, travelers, and other State Agencies.
- The benchmark for September is 25%. The Commission's revenues are at 19.69% and expenses are at 24%.
- We were allocated \$78,176 in State Funds for Fiscal Year 2013. This is covering the cost of the 3% Base Pay Increase, health insurance increase and the retirement contribution rate increase.
- The following is a summary of each department expenditure benchmarks:

General Fund: Total expenditures are at 25%.

Farmark Fund:

Commissioners –

- Total expenditures are at 17% of budget.

Administration –

- Overall the expenditures are 22% of budget.

Claims –

- Expenditures are at 23% of budget.

Insurance & Medical –

- Total expenditures are at 25% of budget

Judicial –

- Total expenditures are at 23% of budget.

Activity Report from the Procurement Office:

	MTD	YTD
SCEIS Shopping Carts	1	3
Vendors Contacted for Price Quotes	19	44
Visa Procurement Card Orders Placed	6	9
SC Dept of Corrections Orders Placed	3	3
Staples Orders Placed	6	8
State Leased Vehicles taken for Service	2	6
State Reports Filed by Procurement Officer	3	3

Tracking – 6.5 hours of SGAPD

Mall Room Activity:

	MTD	YTD
Files Copied for Outside Parties	200	662
Pages Copied	17,453	40,526

South Carolina Workers' Compensation Commission
Summary of Revenues and Expenditures
2012 - 2013 Budget
September 30, 2012

	Budget	FY To Date	Benchmark	25.00%
STATE APPROPRIATIONS				
General Appropriation	<u>\$ 1,841,795</u>	<u>\$ 460,448.75</u>		25.00%

Account Description	Appropriation	Expenditure	Balance	% Expended
Personal Services	\$ 1,378,405	\$ 352,860	\$ 1,025,545	25.6%
Other Operating Expenses	-	-	-	0.0%
Employer Contribution	463,390	104,854	358,536	22.6%
Total	<u>\$ 1,841,795</u>	<u>\$ 457,715</u>	<u>\$ 1,384,080</u>	<u>24.9%</u>

OTHER APPROPRIATIONS

EARMARKED

	Budgeted Revenues	Received thru 9/30/12	% Received
Training Conference Registration Fee	\$ 1,000	\$ 35	3.50%
Sale of Publication and Brochures	8,000	1,425	17.81%
Workers' Comp Award Review Fee	75,000	16,050	21.40%
Sale of Photocopies	95,000	26,789	28.20%
Workers' Compensation Filing Violation Fee	1,891,000	333,585	17.64%
Sale of Listings and Labels	30,000	6,046	20.15%
Workers' Comp Hearing Fee	600,000	144,275	24.05%
Insurance Reserve Refund (Prepaid Legal)		3,460	
Earmarked Funds - Original Authorization	<u>\$ 2,700,000</u>	<u>\$ 531,664</u>	<u>19.69%</u>
Increase Authorization	535,066		
Increase Authorization - BD100	-		
Total Earmarked Revenues + Fund Balance	<u>\$ 3,235,066</u>		

Account Description	Appropriation	Expenditure	Balance	% Expended
Personal Services	\$ 1,464,017	\$ 365,285	\$ 1,098,732	25.0%
Taxable Subsistence	80,000	9,466	70,534	11.8%
Other Operating Expenses	1,242,865	237,612	1,005,253	19.1%
Employer Contribution	448,184	142,778	305,406	31.9%
Total Earmarked	<u>\$ 3,235,066</u>	<u>\$ 755,141</u>	<u>\$ 2,479,925</u>	<u>23.3%</u>

COMPUTER FUNDS CARRIED FORWARD

Computer Services - Carry forward	\$ -	\$ -	\$ -	0.0%
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TOTAL OTHER APPROPRIATIONS	<u>\$ 3,235,066</u>	<u>\$ 755,141</u>	<u>\$ 2,479,925</u>	<u>23.3%</u>
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South Carolina Workers' Compensation Commission
2012 - 2013 Budget
September 30, 2012

Consolidated

Year-To-Date : 25.00%

	Original Budget	Budget Amendments	Amended Budget	Expended September	Year to Date	%	Encumb	Balance
Commissioners								
Salaries	\$ 1,150,244	\$ 32,990	\$ 1,183,234	\$ 47,865	\$ 285,274	24%	\$ -	\$ 70,534
Other Operating Expenditures								
Total Contractual Services	219,128	-	219,128	14,552	39,125	18%	-	180,000
Total Supplies & Materials	23,499	-	23,499	1,971	3,404	14%	-	20,095
Total Fixed Charges	158,028	-	158,028	11,799	35,307	23%	-	122,726
Total Travel	90,950	-	90,950	5,163	12,348	14%	-	78,602
Total Other Operating Exp	491,605	-	491,605	33,495	90,178	18%	-	401,427
Total Commissioners	\$ 1,641,849	\$ 32,990	\$ 1,674,839	\$ 81,360	\$ 375,453	22%	\$ -	\$ 471,961
Administration								
Salaries	\$ 559,791	\$ 4,168	\$ 563,959	\$ 23,782	\$ 140,174	25%	\$ -	\$ 423,835
Other Operating Expenditures								
Total Contractual Services	105,502	-	105,502	6,694	20,549	19%	-	84,953
Total Supplies & Materials	23,053	-	23,053	1,837	4,096	18%	-	18,957
Total Fixed Charges	132,810	-	132,810	9,507	29,292	22%	-	103,518
Total Travel	14,490	-	14,490	917	2,048	14%	-	12,441
Total Equipment	-	-	-	-	-	0%	-	-
Total Other Operating Exp	275,855	-	275,855	18,956	55,985	20%	-	219,870
Total Administration	\$ 835,646	\$ 4,168	\$ 839,814	\$ 42,738	\$ 196,109	23%	\$ -	\$ 643,705
Claims								
Salaries	\$ 375,757	\$ 10,223	\$ 386,980	\$ 15,327	\$ 97,528	25%	\$ -	\$ 289,452
Other Operating Expenditures								
Total Contractual Services	64,472	-	64,472	5,173	11,714	18%	-	52,758
Total Supplies & Materials	37,471	-	37,471	2,617	5,347	14%	-	32,124
Total Fixed Charges	79,659	-	79,659	6,040	17,976	23%	-	61,683
Total Travel	2,100	-	2,100	52	304	5%	-	1,996
Total Other Operating Exp	183,702	-	183,702	13,882	35,341	19%	-	148,361
Total Claims	\$ 560,459	\$ 10,223	\$ 570,682	\$ 30,209	\$ 132,870	23%	\$ -	\$ 438,012
Insurance and Medical Services								
Salaries	\$ 422,768	\$ 760	\$ 423,528	\$ 17,763	\$ 114,000	27%	\$ -	\$ 309,528
Other Operating Expenditures								
Total Contractual Services	73,304	200	73,504	5,433	15,000	20%	-	58,305
Total Supplies & Materials	22,725	(200)	22,525	1,487	2,933	13%	-	19,592
Total Fixed Charges	62,194	-	62,194	4,333	12,729	20%	-	49,465
Total Travel	1,350	-	1,350	-	-	0%	-	1,350
Total Other Operating Exp	159,573	-	159,573	11,253	30,662	19%	-	128,732
Total Insurance and Medical Services	\$ 582,341	\$ 760	\$ 583,001	\$ 29,016	\$ 144,662	25%	\$ -	\$ 438,239
Judicial								
Salaries	\$ 363,896	\$ 835	\$ 364,731	\$ 15,072	\$ 90,689	25%	\$ -	\$ 274,036
Other Operating Expenditures								
Total Contractual Services	33,570	200	33,770	2,101	6,092	18%	-	27,678
Total Supplies & Materials	22,770	(200)	22,570	1,511	2,756	12%	-	19,814
Total Fixed Charges	70,545	-	70,545	5,339	15,805	22%	-	54,740
Total Travel	5,445	-	5,445	927	993	18%	-	4,452
Total Other Operating Exp	132,330	-	132,330	9,878	25,645	19%	-	106,685
Total Judicial	\$ 496,226	\$ 835	\$ 497,061	\$ 24,950	\$ 116,330	23%	\$ -	\$ 380,721
Totals By Departments								
Department Totals								
Commissioners	\$ 1,641,849	\$ 32,990	\$ 1,674,839	\$ 81,360	\$ 375,453	22%	\$ -	\$ 471,961
Administration	835,646	4,168	839,814	42,738	196,109	23%	-	643,705
Claims	560,459	10,223	570,682	30,209	132,870	23%	-	438,012
Insurance & Medical	582,341	760	583,001	29,016	144,662	25%	-	438,239
Judicial	496,226	835	497,061	24,950	116,330	23%	-	380,721
Total Departmental Expend	\$ 4,116,311	\$ 48,976	\$ 4,165,287	\$ 208,273	\$ 965,223	23%	\$ -	\$ 2,372,638
Employer Contributions	882,374	29,200	911,574	42,973	247,633	27%	-	663,941
Total General & Earmarked Funds	\$ 4,998,685	\$ 78,176	\$ 5,076,861	\$ 251,246	\$ 1,212,856	24%	\$ -	\$ 3,038,579

South Carolina Workers' Compensation Commission
2012 - 2013 Budget
September 30, 2012

General Appropriation

	Original Budget	Budget Amendments	Amended Budget	Year-To-Date : 25.00%				
				Expended September	Year to Date to Date	%	Encumb	Balance
Commissioners								
Salaries								
Chairman	\$ 115,567	\$ 3,323	\$ 118,890	\$ 4,754	\$ 28,523	24%	\$ -	\$ 90,368
Commissioner	664,602	19,938	684,540	28,723	172,335	25%	-	512,205
Terminal Leave	-	-	-	-	-	0%	-	-
Classified Employees	290,075	9,729	299,804	12,492	74,951	25%	-	224,853
Total Commissioners	1,070,244	32,990	1,103,234	45,969	275,808	25%	-	-
Administration								
Salaries								
Director	\$ 94,152	\$ 2,824	\$ 96,976	\$ 4,041	\$ 24,244	25%	\$ -	\$ 72,732
Classified Positions	44,875	1,344	46,169	1,924	19,267	42%	-	26,902
Total Administration	139,027	4,168	143,145	5,964	43,511	30%	-	99,634
Claims								
Salaries								
Classified Positions	\$ 67,000	\$ 10,223	\$ 77,223	\$ 3,307	\$ 19,840	26%	\$ -	\$ 57,383
Total Claims	67,000	10,223	77,223	3,307	19,840	26%	-	57,383
Insurance and Medical Services								
Salaries								
Classified Positions	\$ 25,350	\$ 760	\$ 26,110	\$ 1,088	\$ 6,527	25%	\$ -	\$ 19,583
Total Ins and Medical Svcs	25,350	760	26,110	1,088	6,527	25%	-	19,583
Judicial								
Salaries								
Classified Positions	\$ 27,858	\$ 835	\$ 28,693	\$ 1,196	\$ 7,173	25%	\$ -	\$ 21,520
Total Judicial	27,858	835	28,693	1,196	7,173	25%	-	21,520
General Funds								
Department Totals								
Commissioners	\$ 1,070,244	\$ 32,990	\$ 1,103,234	\$ 45,968	\$ 275,808	25%	\$ -	\$ 827,426
Administration	139,977	4,168	143,145	5,964	43,511	30%	-	99,634
Claims	67,000	10,223	77,223	3,307	19,840	26%	-	57,383
Insurance & Medical	25,350	760	26,110	1,088	6,527	25%	-	19,583
Judicial	27,858	835	28,693	1,196	7,173	25%	-	21,520
Total Departmental Expend	\$ 1,329,429	\$ 48,976	\$ 1,378,405	\$ 57,523	\$ 352,860	26%	\$ -	\$ 1,025,545
Employer Contributions	434,190	29,200	463,390	17,059	104,854	23%	-	358,536
Total General Fund Appropriations	\$ 1,763,619	\$ 78,176	\$ 1,841,795	\$ 74,582	\$ 457,715	25%	\$ -	\$ 1,384,080

South Carolina Workers' Compensation Commission

2012 - 2013 Budget

September 30, 2012

Earmarked Funds

	Original Budget	Budget Amendments	Amended Budget	Year-To-Date : 25.00%				
				Expended September	Year to Date	%	Encumb	Balance
Commissioners								
Salaries								
Taxable Subsistence	\$ 80,000	\$ -	\$ 80,000	\$ 1,897	\$ 9,466	12%	\$ -	\$ 70,534
Total Salaries	80,000	-	80,000	1,897	9,466	12%	-	70,534
Other Operating Expenditures								
Contractual Services								
Office Equipment Service	1,700	-	1,700	-	-	0%	-	1,700
Copying Equipment Service	1,200	-	1,200	-	-	0%	-	1,200
Print/Bind/Advertisement	1,510	-	1,510	-	-	0%	-	1,510
Print Pub Annual Reports	1,028	-	1,028	-	-	0%	-	1,028
Data Processing Services	34,000	-	34,000	2,269	7,066	21%	-	26,934
Freight Express Delivery	1,490	-	1,490	-	-	0%	-	1,490
Telephone	6,100	-	6,100	322	644	11%	-	5,456
Cellular Phone Service	9,100	-	9,100	876	2,739	30%	-	6,361
Legal Services/Attorney Fees	160,000	-	160,000	11,095	28,676	18%	-	131,324
Other Professional Services	3,000	-	3,000	-	-	0%	-	3,000
Total Contractual Services	219,128	-	219,128	14,562	29,125	18%	-	180,003
Supplies & Materials								
Office Supplies	7,500	-	7,500	336	575	8%	-	6,925
Copying Equipment	4,200	-	4,200	148	683	16%	-	3,517
Printing	1,200	-	1,200	740	740	62%	-	460
Data Processing Supplies	1,649	-	1,649	-	-	0%	-	1,649
Postage	8,500	-	8,500	731	1,795	15%	-	7,205
Communication Supplies	50	-	50	-	-	0%	-	50
Main/Junkmail Supplies	200	-	200	15	44	22%	-	156
Motor Vehicle Supp/Gasoline	100	-	100	-	-	0%	-	100
Other Supplies	100	-	100	-	67	67%	-	33
Total Supplies & Materials	23,499	-	23,499	1,971	3,404	14%	-	20,095
Fixed Charges								
Rent-Cont Rent Payment	2,500	-	2,500	105	220	9%	-	2,280
Rent-Non State Owned Property	149,000	-	149,000	11,694	35,081	24%	-	113,919
Rent-Other	250	-	250	-	-	0%	-	250
Insurance-State	4,500	-	4,500	-	-	0%	-	4,500
Insurance-Non State	1,169	-	1,169	-	-	0%	-	1,169
Fees & Fines	109	-	109	-	-	0%	-	109
Equipment Maintenance	500	-	500	-	-	0%	-	500
Total Fixed Charges	158,028	-	158,028	11,799	35,302	22%	-	122,726
Travel (Includes Leased Car)								
In State - Meals (Non-Reportable)	350	-	350	60	60	17%	-	290
In State - Auto Mileage	20,000	-	20,000	1,737	4,056	20%	-	15,944
In State - Subsistence Allowance	30,000	-	30,000	738	3,158	11%	-	26,802
Out State - Meals	100	-	100	36	36	36%	-	64
Out State - Auto Mileage	2,000	-	2,000	-	-	0%	-	2,000
Leased Car	38,500	-	38,500	2,572	4,997	13%	-	33,503
Total Travel	90,950	-	90,950	5,163	12,348	14%	-	78,602
Total Other Operating Expenditures	491,605	-	491,605	33,495	90,178	18%	-	403,427
Total Commissioners	\$ 571,605	\$ -	\$ 571,605	\$ 38,392	\$ 99,644	17%	\$ -	\$ 473,961

South Carolina Workers' Compensation Commission
2012 - 2013 Budget
 September 30, 2012

Earmarked Funds

	Original Budget	Budget Amendments	Amended Budget	Year-To-Date : 25.00%				
				Expended September	Year to Date	%	Encumb	Balance
Administration								
Salaries								
Classified Positions	\$ 408,567	\$ -	\$ 408,567	\$ 17,024	\$ 94,417	23%	\$ -	\$ 314,150
Temporary Employees	11,247	-	11,247	794	2,196	20%	-	9,051
Terminal Leave	3,000	-	3,000	-	-	0%	-	1,000
Total Salaries	420,814	-	420,814	17,818	96,613	23%	-	324,202
Other Operating Expenditures								
Contractual Services								
Office Equipment Service	5,800	-	5,800	-	4,727	82%	-	1,073
Copying Equipment Service	550	-	550	-	-	0%	-	550
Print/Bind/Advertisement	500	-	500	-	-	0%	-	500
Print- Pub Annual Reports	22	-	22	-	-	0%	-	22
Data Processing Services	62,000	-	62,000	3,371	9,864	16%	-	52,136
Freight Express Delivery	800	-	800	29	132	16%	-	668
Telephone	4,600	-	4,600	386	1,060	23%	-	3,540
Cellular Phone Service	3,000	-	3,000	159	551	18%	-	2,449
Education & Training Services	1,000	-	1,000	-	-	0%	-	1,000
Attorney Fees	25,000	-	25,000	2,615	3,635	15%	-	21,365
General Repair	230	-	230	-	-	0%	-	230
Audit Acct Finance	100	-	100	-	-	0%	-	100
Catered Meals	300	-	300	-	-	0%	-	300
Other Professional Services	100	-	100	135	135	135%	-	(35)
Other Contractual Services	1,500	-	1,500	-	445	30%	-	1,055
Total Contractual Services	105,502	-	105,502	6,694	20,549	19%	-	84,953
Supplies & Materials								
Office Supplies	5,000	-	5,000	222	402	8%	-	4,598
Subscriptions	175	-	175	-	-	0%	-	175
Copying Equipment Supplies	3,434	-	3,434	156	579	17%	-	2,855
Printing	1,964	-	1,964	609	609	31%	-	1,355
Data Processing Supplies	500	-	500	-	852	170%	-	(352)
Postage	10,000	-	10,000	638	1,620	16%	-	8,330
Maint/Janitorial Supplies	200	-	200	12	35	17%	-	165
Fees & Fines	280	-	280	-	-	0%	-	280
Gasoline/ Motor Vehicle Supply	100	-	100	-	-	0%	-	100
Employee Recog Award	1,000	-	1,000	-	-	0%	-	1,000
Other Supplies	400	-	400	-	-	0%	-	400
Total Supplies & Materials	23,053	-	23,053	1,837	4,096	18%	-	18,957
Fixed Charges								
Rental-Cont Rent Payment	6,000	-	6,000	526	1,364	23%	-	4,636
Rent-Non State Owned Property	95,000	-	95,000	7,567	22,700	24%	-	72,300
Rent-Other	11,000	-	11,000	748	3,351	30%	-	7,649
Insurance-State	7,490	-	7,490	-	705	9%	-	6,785
Insurance-Non State	134	-	134	-	-	0%	-	134
Dues and Memberships	5,000	-	5,000	180	200	4%	-	4,800
Sales Tax Paid	8,186	-	8,186	487	972	12%	-	7,214
Total Fixed Charges	132,810	-	132,810	9,587	29,292	22%	-	103,518
Travel (Includes Leased Car)								
In State - Meals Non/ Reportable	100	-	100	-	-	0%	-	100
Reportable Meal	100	-	100	-	-	0%	-	100
Out of State - Mileage	90	-	90	-	-	0%	-	90
In State - Registration Fees	200	-	200	-	194	97%	-	6
Leased Car	14,000	-	14,000	917	1,854	13%	-	12,146
Total Travel	14,490	-	14,490	917	2,048	14%	-	12,442
Equipment								
Equipment Data Processing- PC's	-	-	-	-	-	0%	-	-
Total Equipment	-	-	-	-	-	0%	-	-
Total Other Operating Expenditures	275,855	-	275,855	18,956	55,985	20%	-	219,879
Total Administration	\$ 696,669	\$ -	\$ 696,669	\$ 36,774	\$ 152,598	22%	\$ -	\$ 544,071

South Carolina Workers' Compensation Commission

2012 - 2013 Budget

September 30, 2012

Earmarked Funds

	Original Budget	Budget Amendments	Amended Budget	Year-To-Date : 25.00%				
				Expended September	Year to Date	%	Encumb	Balance
Claims								
Salaries								
Classified Positions	\$ 294,757	\$ -	\$ 294,757	\$ 12,510	\$ 76,058	25%	\$ -	\$ 219,699
Temporary Positions	14,000	-	14,000	513	2,630	19%	-	11,370
Terminal Leave	1,000	-	1,000	-	-	0%	-	1,000
Total Salaries	309,757	-	309,757	13,023	78,688	25%	-	232,069
Other Operating Expenditures								
Contractual Services								
Office Equipment Services	200	-	200	-	-	0%	-	200
Copying Equipment Service	400	-	400	513	513	128%	-	(113)
Print / Bind / Adv	750	-	750	-	-	0%	-	750
Print Pub Annual Reports	22	-	22	-	-	0%	-	22
Data Processing Services	30,000	-	30,000	1,953	6,451	22%	-	23,549
Freight Express Delivery	500	-	500	-	23	4%	-	479
Telephone	4,000	-	4,000	304	609	15%	-	3,391
Cellular Phone Service	2,500	-	2,500	52	155	6%	-	2,345
Temporary Services	26,000	-	26,000	2,351	3,864	15%	-	22,036
Other Professional Services	100	-	100	-	-	0%	-	100
Total Contractual Services	64,472	-	64,472	5,173	11,714	18%	-	52,758
Supplies & Materials								
Office Supplies	8,271	-	8,271	55	258	3%	-	8,013
Copying Equipment	3,000	-	3,000	118	541	18%	-	2,459
Printing	900	-	900	497	497	55%	-	403
Data Processing Supplies	3,000	-	3,000	-	-	0%	-	3,000
Postage	22,000	-	22,000	1,934	3,997	18%	-	18,003
Maint/Janitorial Supplies	200	-	200	17	56	28%	-	144
Other Supplies	100	-	100	-	-	0%	-	100
Total Supplies & Materials	37,471	-	37,471	2,617	5,347	14%	-	32,124
Fixed Charges								
Rental-Cont Rent Payment	2,500	-	2,500	193	436	17%	-	2,064
Rent- Non State Owned Property	73,000	-	73,000	5,847	17,541	24%	-	55,459
Rent-Other	225	-	225	-	-	0%	-	225
Insurance-State	2,000	-	2,000	-	-	0%	-	2,000
Insurance-Non State	134	-	134	-	-	0%	-	134
Equipment- Copying	800	-	800	-	-	0%	-	800
Equipment Maintenance	1,000	-	1,000	-	-	0%	-	1,000
Total Fixed Charges	79,659	-	79,659	6,040	17,976	23%	-	61,683
Travel (Includes leased Car)								
In State - Meals (Non-Reportable)	300	-	300	-	-	0%	-	300
In State - Lodging	600	-	600	-	-	0%	-	600
In State - Auto Mileage	600	-	600	-	-	0%	-	600
In-State Registration	200	-	200	-	-	0%	-	200
Reportable Meals	400	-	400	52	104	26%	-	296
Total Travel	2,100	-	2,100	52	104	5%	-	1,996
Total Other Operating Expenditures	183,702	-	183,702	13,882	35,141	19%	-	148,561
Total Claims	\$ 493,459	\$ -	\$ 493,459	\$ 26,902	\$ 112,830	23%	\$ -	\$ 380,529

South Carolina Workers' Compensation Commission

2012 - 2013 Budget

September 30, 2012

Earmarked Funds

	Original Budget	Budget Amendments	Amended Budget	Year-To-Date - 25.00%				
				Expended September	Year to Date	%	Encumb	Balance
Insurance and Medical Services								
Salaries								
Classified Positions	378,434	-	378,434	16,031	100,092	26%	-	278,342
Temporary Employees	15,469	-	15,469	644	3,866	25%	-	11,603
Terminal Leave	3,515	-	3,515	0	3,515	100%	-	(0)
Total Salaries	397,418	-	397,418	16,675	107,473	27%	-	289,945
Other Operating Expenditures								
Contractual Services								
Office Equipment Service	200	-	200	-	-	0%	-	200
Copying Equipment Service	300	-	300	-	-	0%	-	300
Print/Band/Advertisement	500	-	500	-	-	0%	-	500
Print Pub Annual Report	24	-	24	-	-	0%	-	24
Data Processing Services	47,000	-	47,000	3,728	11,696	25%	-	35,304
Freight Express Delivery	-	200	200	-	21	11%	-	179
Telephone	2,626	-	2,626	225	451	17%	-	2,175
Cell Phone	3,000	-	3,000	(33)	166	6%	-	2,834
Catered Meals	2,000	-	2,000	-	-	0%	-	2,000
Other Professional Services	10,000	-	10,000	1,513	2,665	27%	-	7,335
Other Contractual Services	7,454	-	7,454	-	-	0%	-	7,454
Total Contractual Services	73,104	200	73,304	5,423	15,000	20%	-	58,305
Supplies & Materials								
Office Supplies	5,000	-	5,000	169	394	8%	-	4,606
Copying Equipment	3,500	-	3,500	130	558	17%	-	2,902
Printing	1,500	-	1,500	549	549	37%	-	951
Data Processing Supplies	500	-	500	-	-	0%	-	500
Postage	11,000	(200)	10,800	626	1,354	13%	-	9,446
Maintenance/Janitorial Supplies	75	-	75	13	38	51%	-	37
Building Materials	1,000	-	1,000	-	-	0%	-	1,000
Fees & Fines	50	-	50	-	-	0%	-	50
Other Supplies	100	-	100	-	-	0%	-	100
Total Supplies & Materials	22,725	(200)	22,525	1,497	2,933	13%	-	19,592
Fixed Charges								
Rental-Cont Rent Payment	2,104	-	2,104	149	264	12%	-	1,840
Rent-Non State Owned Property	52,000	-	52,000	4,127	12,382	24%	-	39,618
Rent-Other	2,000	-	2,000	-	-	0%	-	2,000
Insurance-State	2,000	-	2,000	-	-	0%	-	2,000
Insurance-Non State	148	-	148	-	-	0%	-	148
Equipment Maintenance	942	-	942	-	-	0%	-	942
Sales Tax Paid	3,000	-	3,000	57	83	3%	-	2,917
Total Fixed Charges	62,194	-	62,194	4,333	12,729	20%	-	49,465
Travel (Includes Leased Car)								
In State - Meals (Non-Reportable)	400	-	400	-	-	0%	-	400
In-State Registration	100	-	100	-	-	0%	-	100
Reportable Meals	150	-	150	-	-	0%	-	150
In State - Lodging	700	-	700	-	-	0%	-	700
Total Travel	1,350	-	1,350	-	-	0%	-	1,350
Total Other Operating Expenditures	159,373	-	159,373	11,253	30,561	19%	-	128,712
Total Insurance and Medical Services	\$ 556,791	\$ -	\$ 556,791	\$ 27,929	\$ 138,134	25%	\$ -	\$ 418,657

South Carolina Workers' Compensation Commission
2012 - 2013 Budget
 September 30, 2012

Emarked Funds

Judicial	Original Budget	Budget Amendments	Amended Budget	Year-To-Date : 25.00%				
				Expended September	Year to Date	%	Encumb Balance	
Salaries								
Classified Positions	\$ 333,028	\$ -	\$ 333,028	\$ 13,876	\$ 83,257	25%	\$ -	\$ 249,771
Temporary Employees	3000	0	3000	0	255	9%	-	2,745
Total Salaries	336,028	-	336,028	13,876	83,512	25%	-	252,516
Other Operating Expenditures								
Contractual Services								
Office Equipment Services	80	-	80	-	-	0%	-	80
Copy Equipment Services	850	-	850	-	-	0%	-	850
Print/Bind/Advertisement	800	-	800	-	-	0%	-	800
Print Pub Annual Reports	20	-	20	-	-	0%	-	20
Freight Express Delivery	-	200	200	-	21	11%	-	179
Data Processing Services	28,000	-	28,000	1,820	5,411	19%	-	22,589
Telephone	2,500	-	2,500	220	449	18%	-	2,051
Cellular Phone Service	1,120	-	1,120	71	211	19%	-	909
Other Professional Services	200	-	200	-	-	0%	-	200
Total Contractual Services	33,570	200	33,770	2,101	6,892	18%	-	27,678
Supplies & Materials								
Office Supplies	5,500	-	5,500	167	315	6%	-	5,185
Copying Equipment Supplies	2,500	-	2,500	106	484	19%	-	2,016
Printing	2,000	-	2,000	444	444	22%	-	1,556
Data Processing Supplies	2,500	-	2,500	-	-	0%	-	2,500
Postage	10,000	(200)	9,800	784	1,481	15%	-	8,319
Maintenance/Janitorial Supplies	150	-	150	11	31	21%	-	129
Promotional Supplies	20	-	20	-	-	0%	-	20
Other Supplies	100	-	100	-	-	0%	-	100
Total Supplies & Materials	22,770	(200)	22,570	1,511	2,756	12%	-	19,814
Fixed Charges								
Rental-Cont Rent Payment	3,000	-	3,000	180	328	11%	-	2,672
Rent-Non State Owned Property	65,300	-	65,300	5,159	15,477	24%	-	49,823
Rent-Other	125	-	125	-	-	0%	-	125
Insurance-State	2,000	-	2,000	-	-	0%	-	2,000
Insurance-Non State	120	-	120	-	-	0%	-	120
Total Fixed Charges	70,545	-	70,545	5,339	15,305	22%	-	54,740
Travel (Includes Leased Car)								
In State - Meals / Non-Reportable	450	-	450	100	100	22%	-	350
Reportable Meals	770	-	770	52	59	13%	-	671
In State - Lodging	2,200	-	2,200	578	578	26%	-	1,622
In State - Auto Mileage	1,800	-	1,800	197	215	12%	-	1,585
In State - Misc Travel Expense	25	-	25	-	-	0%	-	25
In-State Registration	100	-	100	-	-	0%	-	100
Out State - Auto Mileage	100	-	100	-	-	0%	-	100
Total Travel	5,445	-	5,445	927	993	18%	-	4,452
Total Other Operating Expenditures	132,330	-	132,330	9,878	25,645	19%	-	106,485
Total Judicial	\$ 468,358	\$ -	\$ 468,358	\$ 23,754	\$ 109,157	23%	\$ -	\$ 359,201
Emarked Funds								
Departmental Totals								
Commissioners	\$ 571,605	\$ -	\$ 571,605	\$ 35,392	\$ 99,644	17%	\$ -	\$ 471,961
Administration	696,669	-	696,669	34,774	152,596	22%	-	544,071
Claims	493,459	-	493,459	26,902	112,830	23%	-	380,629
Insurance & Medical	556,791	-	556,791	27,979	138,134	25%	-	418,657
Judicial	468,358	-	468,358	23,754	109,157	23%	-	359,201
Total Departmental Expend	\$ 2,786,882	\$ -	\$ 2,786,882	\$ 150,751	\$ 632,363	22%	\$ -	\$ 2,174,539
Employer Contributions	448,184	-	448,184	25,913	142,778	32%	-	305,406
Total Emarked Funds	\$ 3,235,066	\$ -	\$ 3,235,066	\$ 176,664	\$ 775,141	23%	\$ -	\$ 2,479,925
Capital / Computer Project Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -

MEMORANDUM

Date: October 10, 2012

TO: Mr. Gary Cannon
Executive Director

FROM: Cathy Floyd
Human Resources

SUBJECT: Human Resources Report Period of September 12 – October 10, 2012

Below is a summary of the Human Resources activity for the period of September 12 – October 10, 2012.

Employee Relations (ER)

- Four ER issues were addressed during the activity period
- Completed the first phase of the DACUM job analyses for the majority of the agency
 - Data entry continues for all information collected in the first phase
 - A pilot of second phase of the DACUM process has begun
 - Thirty-five hours have been dedicated to DACUM during this reporting period
- EPMS Universal Review Date was October 1, 2012
 - Assisted various supervisors with EPMS related issues and inquiries
 - Currently 60% of the reviews have been submitted
- The Social Committee continues to work on the bi-monthly office activities and Annual Holiday Event

Benefits

- Annual Enrollment is being held month of October for 2013 insurance changes
- Held a meeting between Wells Fargo and Health Savings Account (HSA) Participants to discuss custodial changes of the HSA Plan
- Assisted five employees with insurance coverage changes and/or inquiries
- Assisted four employees with retirement system issues
- Completed three inquiries with the Retirement Systems

Recruitment and Selection

- Processed a temporary reappointment for the medical advisory position after a mandatory two-week break in service
- Transferred a filled position from the Judicial Department to the Claims Department

SC Enterprise Information System (SCEIS)

- One employment verification
- Assisted one employee with payroll issues
- Assisted eight employees with leave and time issues
- Twenty-six transactions were keyed into the system

State Human Resources Department (HRD)

- Contacted HRD Consultant regarding an employee issue
- Contacted by HRD Consultant regarding Temp-O

Finance Related

- Assisted with the daily deposit
- Approved 57 SCEIS financial transactions

State of South Carolina

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Workers' Compensation Commission

To: Gary Cannon
SCWCC Executive Director
From: Betsy Hartman
IT Director
Date: October 10, 2012
Subject: IT Department
October 2012 Full Commission Report

Summary of IT Department Activities

Lapse in Insurance Web Portal went live September 21, 2012. SCHBA requested a report to show for a particular email what carriers they are following. Will add an addendum to the MOU to include the new report and add a link to the Verification of Coverage web page on the SCWCC web site.

Accountability Report completed and submitted to the Budget Office.

OnBase Mobile Application in Production October 1, 2012. Chairman Beck set up and using application. RSA Tokens to be deployed to all Commissioners as they come in the office.

Projects – In Process

EDI Release 3

- Final coding and testing of matching criteria is slated for completion October 2012
- Testing with Trading Partners
 - Approved
 - Hewett Coleman
 - In Approval Process
 - State Accident Fund
 - Mitchell

- EBIX
- MAC Risk Management, Inc.
- OnBase Upgrade
 - Testing began

Mediation

- Requirements gathering began October 9, 2012

DSIT Contract

- Recommendation to sign contract given to Gary Cannon for review
- Analysis of billing to current contract given to Gary Cannon for review

MedAssets/ClaimShop

- Review of contract and recommendation to sign given to Grant Duffield and Gary Cannon for review

Projects – to be started in October 2012

SC Vocational Rehabilitation Web Portal

- Finalizing the requirements before turning over to BravePoint for coding.
- Coding to start when requirements signed off by SCVRD

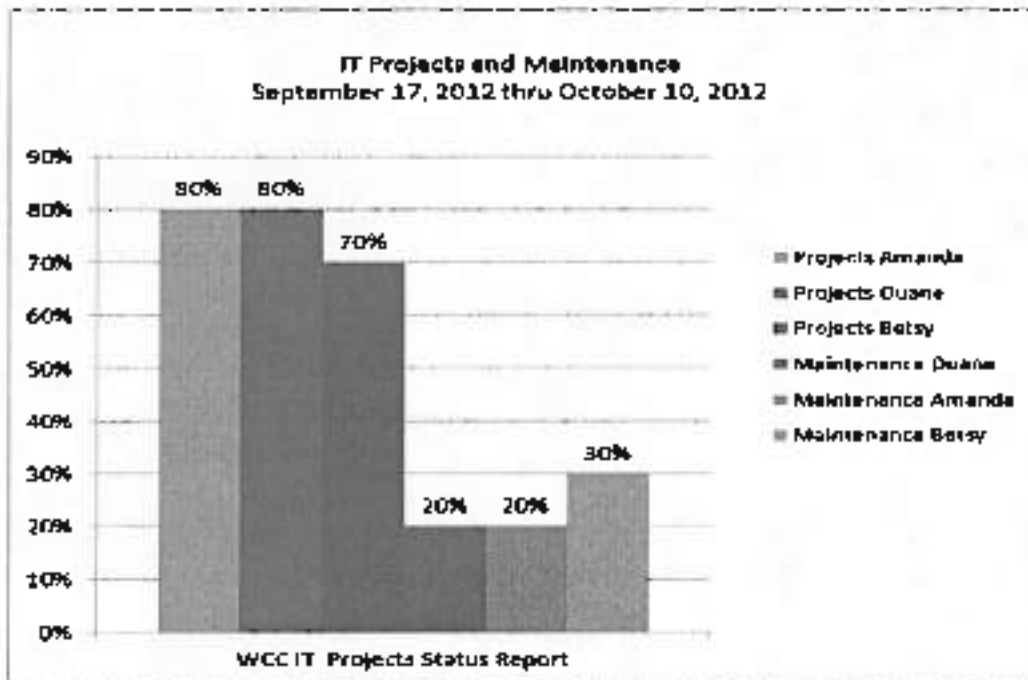
Development Server Upgrade

- Planning and task assignments for upgrade of Development server started
- Upgrading to Open Edge 10.2b (Progress)
- Once development upgraded will upgrade production server to allow for mirror image in both environments to utilize best practices for new development and maintenance.

Help Desk Activities

Current IT Staff Activities – 9/12/2012 – 10/10/2012

Non Help Desk Activities	Time spent on non-Help Desk Activities or projects	Open Help Desk tickets	Time spent on Help Desk tickets (including projects)
115	101:30 hours	81	Gathering data starting September 2012



WCG IT Projects Status Report

Project	Phase	Requirement	Due Date	% of complete	% of items implemented	Status	Comments
Phase 1 - Core EDI release 1			August 2013	80%	85%	On track	Complete with testing and roll out is well
Phase 1 - Core EDI release 2			August 2014	80%	75%	Delayed	Major testing for Reg and MOC end-user of hospital units
Phase 1 - Core EDI release 3			August 2014	80%	75%	Delayed	Implementation with postponed. Missing go live of On-site and users. See in Core EDI release 4
Phase 1 - Core EDI release 4			August 2017	80%	4%	Blocked	Need go live testing approval
Upgrade Oracle to Oracle 11g	BD-PL completed		October 2012		10%	Approved	
Upgrade to Oracle 11g R2			August 2012	100%	20%	Blocked	Completed and in production
IT Audit / Compliance by Auditor			September 2012	10%	10%	Blocked	Completed and in production
Annual Report / Budget			December 2012	100%	20%	Blocked	A full approval of Annual Report / Budget
Upgrade Oracle to Oracle 11g R2	BD-PL 2 and 3 and 4 and 5 and 6 and 7 and 8 and 9		1/1/2013	0%	0%	Blocked	In planning
SG Tool - Review	Upgrade to RDC/SQL		TBD	50%	0%	Blocked	Final review of upgrading for go live to using RDC/SQL
Upgrade Oracle to Oracle 11g R2			TBD				awaiting review for upgrading
Enterprise Service Manager	Enterprise Service Manager - 67-2-1		Roll out with BD-PL-3	0%			
	Enterprise Service Manager - 67-2-1		Roll out with BD-PL-3	0%			
	Enterprise Service Manager - 67-2-1		TBD	0%			
	Enterprise Service Manager - 67-2-1		TBD	0%			
	Enterprise Service Manager - 67-2-1		TBD	0%			
	Enterprise Service Manager - 67-2-1		TBD	0%			
Masterplan			TBD	10%		Blocked	Items created for only have Project - See of 2013 and in PBC. Security concerns
Security plan	ITBC guidelines		TBD			Blocked	
				Project Approved	50%		
				Project Budget	50%		
				Project Delivery	20%		

Release name / Item	Project	Start Date	Completion Date	Completion %	% of items implemented	Approval	Status
FLN Audit Report - general report and summary form. Contains AMMs and Audit	All departments	Ongoing	2013/12	100%	20%	On track	
FLN Audit Report - special review and special form. Contains AMMs and Audit	All departments	Ongoing	2013/12	100%	20%	On track	
				100%	20%	On track	
FLN Audit Report - general report and summary form. Contains AMMs and Audit	All departments	Ongoing	2013/12	100%	20%	On track	

State of South Carolina



Workers' Compensation Commission

To: Gary Cannon
SCWCC Executive Director

From: Grant Duffield
IMS Director

Date: 30 – Oct – 2012

Subj: Insurance and Medical Services Department
September 2012 Full Commission Report

Please find attached information provided to summarize the status and workflow of initiatives currently underway within the Insurance and Medical Services (IMS) Department

In addition to the statistical data provided, please be advised of the following workflow initiatives:

- | | |
|---------------------|---|
| Compliance Division | <ol style="list-style-type: none">1. Processing of Outstanding Carrier fines.2. GEAR program support and scheduling of GEAR Hearings.3. Developing revised approaches to DRSC case investigation and docketing.4. <u>Implementing use of productivity metrics to gauge performance</u> |
| Coverage Division | <ol style="list-style-type: none">1. SC Homebuilder's Association coverage verification web interface released.2. Working to implement cross training / staff development opportunities within IMS dept. |
| Medical Services | <ol style="list-style-type: none">1. Identifying updates / edits needed within the Medical Services Provider Manual.2. Working to Approve / Re-Approve Medical Bill review entities.3. <u>Division received 9 Bill Disputes in August 2012.</u> |
| IMS Administration: | <ol style="list-style-type: none">1. Monthly department-wide meetings.2. Working with team-members to review / improve team processes and key functions.3. Assisting Roberts with AG opinion letter request4. Working with SCHA on Surgical Implant study issues. |

Mr. Cannon, while this summary is in no way all-inclusive, it may serve to assist you and our Commissioners in understanding the key initiatives underway in the IMS Department and provide measures by which the Department's effectiveness can be gauged. IMS welcomes any guidance that you and/or our Commissioners can provide concerning our performance and direction.

Carryover Caseload:

The Compliance Division endeavors to maintain a month-on-month "carry-over" caseload (backlog) of 300 cases. Compliance closed September 2012 with 400 cases active, compared to an active caseload of 726 at the close of September 2011.

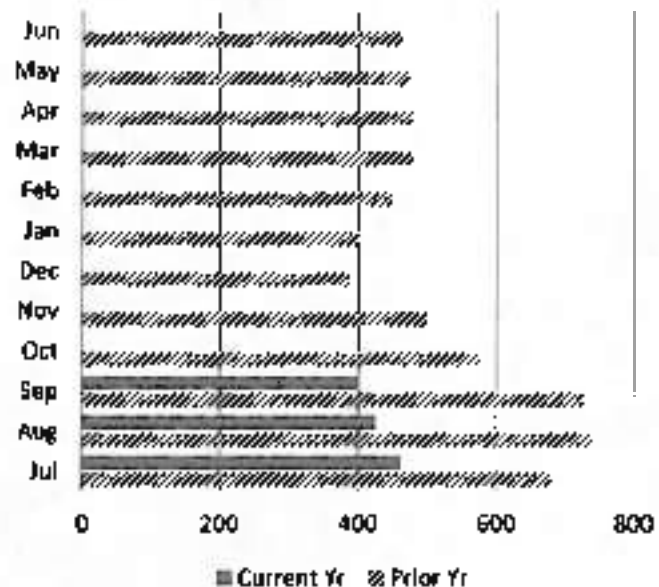
Cases Resolved:

Due to the decrease in carry-over, greater effort is focused on case resolution. For the month of September 2012, Compliance Division staff closed-out 65 cases.

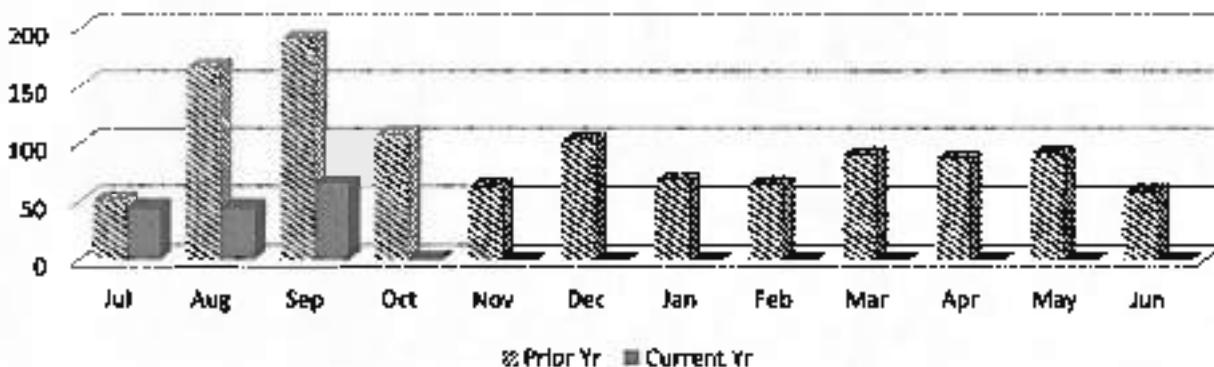
Compliance Fines:

Year to Date, the Compliance Division has collected \$52,292 in fines which represents 68% of prior year's accrual (\$76,678). This decrease is attributable to absenteeism on staff during September resulting in below normal fine collection rates. Compliance fine revenue represents 19% of the Commission's annual earmarked revenue budget.

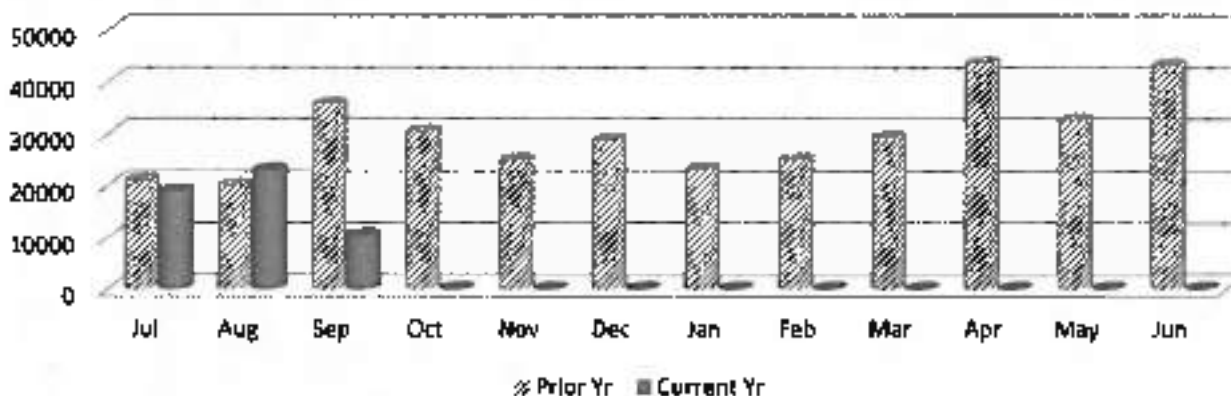
Caseload Pending v. Prior Year



Cases Resolved v. Prior Year



Compliance Fines Collected v. Prior Year



IMS COVERAGE DIVISION

September 2012

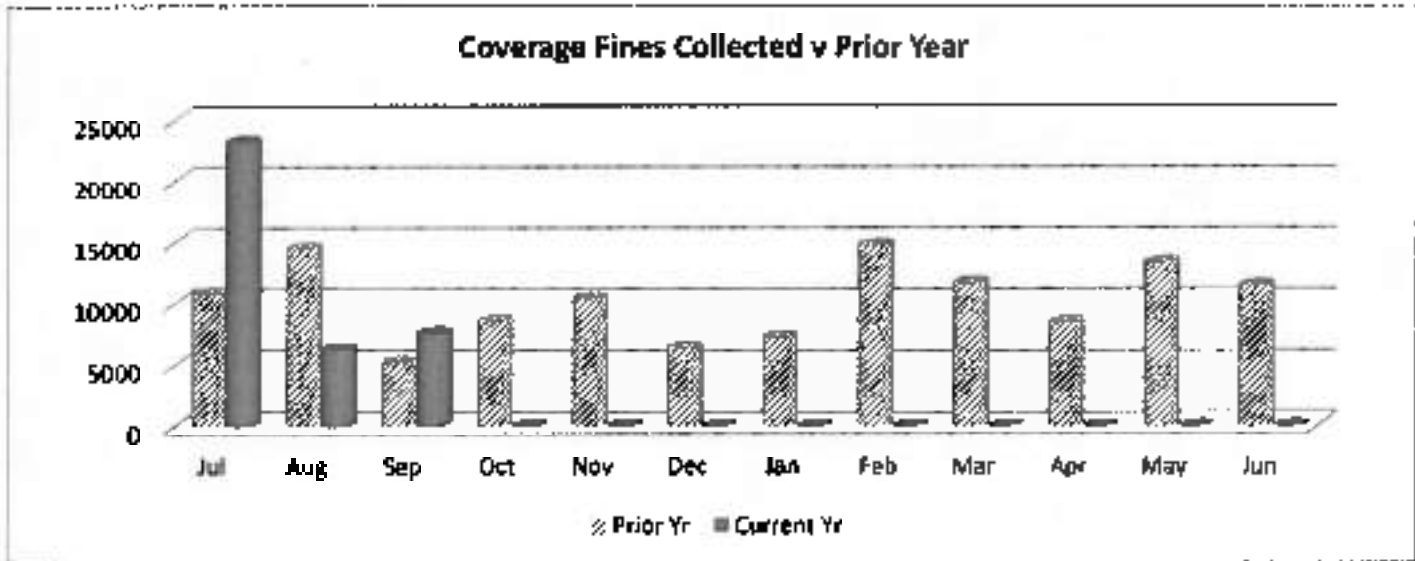
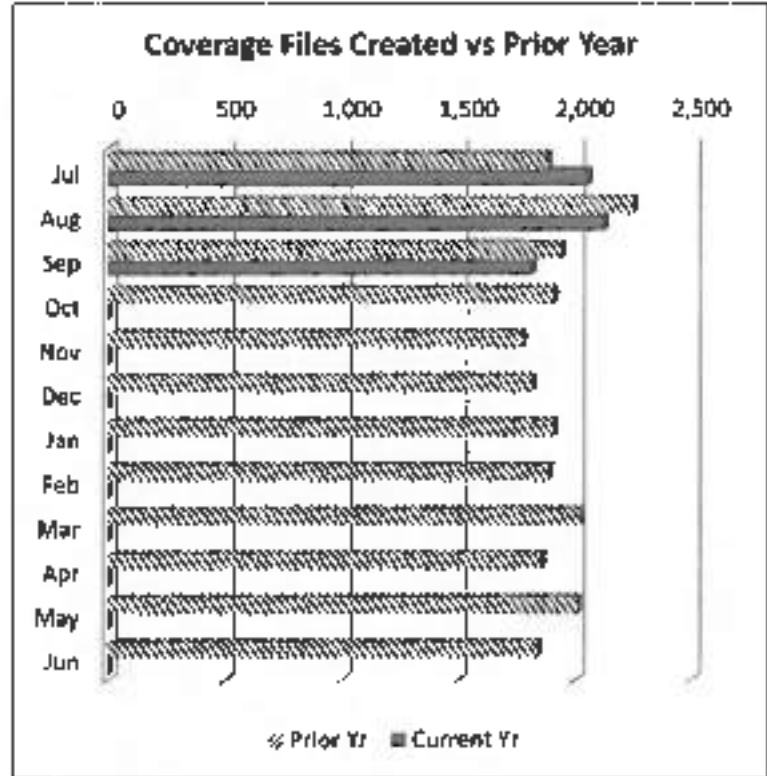
WCC Claim Files:

In September 2012, the Coverage Division created a total of 1,812 WCC Claim files. Of these, 1,447 were created electronically, and 365 were submitted in hard copy format. Year to Date, 5,987 Claim files have been created which is 98% of claim file volume for the same period in prior year (6,069).

Coverage Fines:

The Coverage Division collected \$7,550 in fine revenue in September 2012, an increase from \$5,200 in Coverage fines/penalties accrued during the same period in prior year (September 2011). Year on Year, Coverage fines are at 121% of collections for the same period.

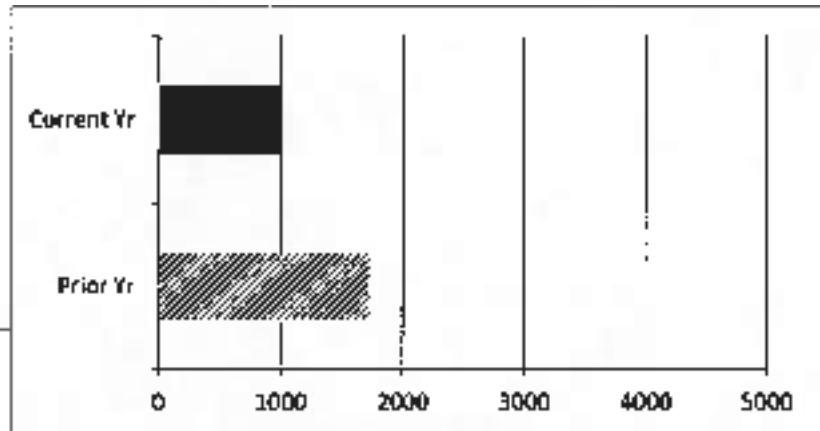
Coverage Division fines represent 10% of the Commission's annual earmarked budget.



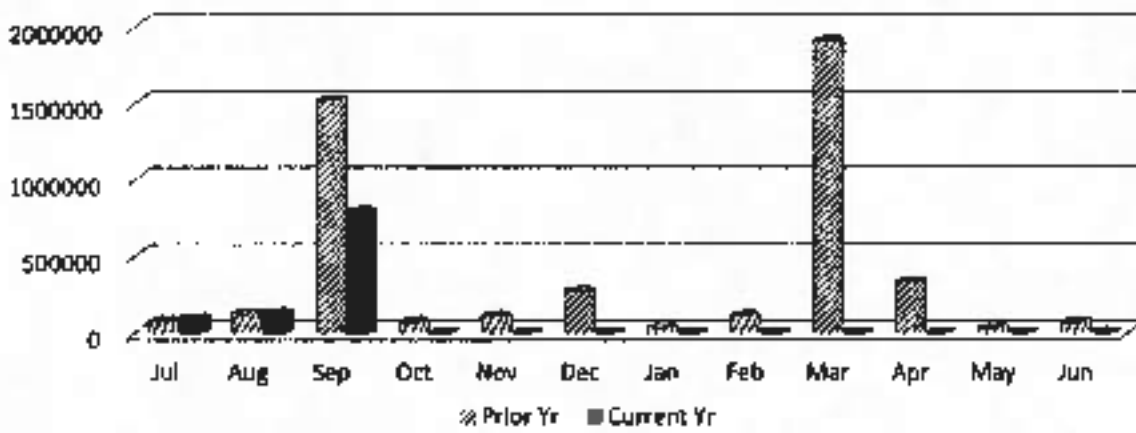
During the month of September 2012, the Self Insurance Division:

- * collected \$789,349 in self-insurance tax.
- * added 8 new self-insurers.
- * conducted 4 Self Insurance audits.

Year to Date, Self Insurance tax revenue is trending at 59% of prior year and 10 Self Insurance audits have been completed.



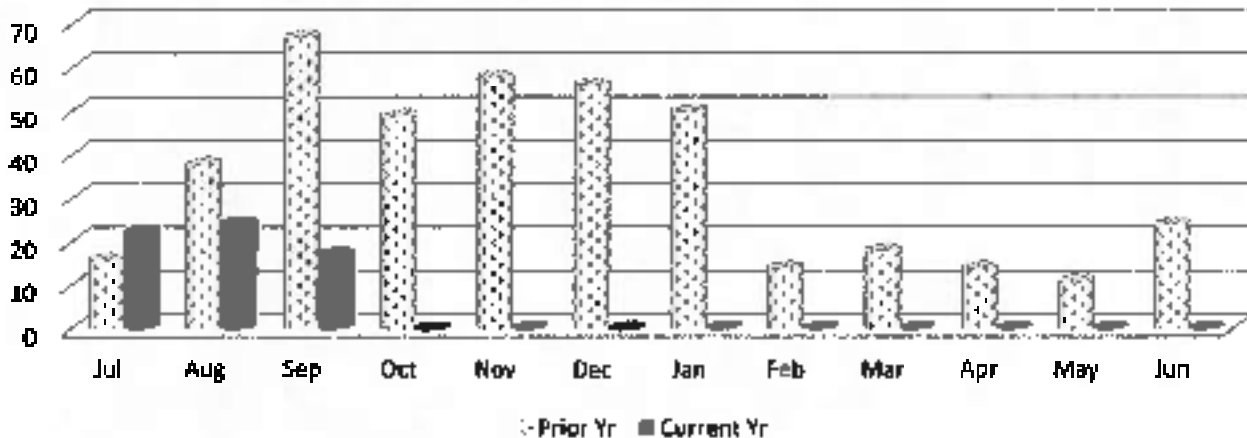
Self Insurance Tax Collections v. Prior Year



IMS MEDICAL SERVICES DIVISION

In September 2012, the Medical Services Division began the month with 24 bills pending review, received an additional 15 bills for review, conducted 22 bill reviews and ended the month with 17 bills pending.

Medical Bills Pending Review v. Prior Year



TO: GARY CANNON, EXECUTIVE DIRECTOR

FROM: GREGORY S. LINE, DIRECTOR OF CLAIMS

SUBJECT: CLAIMS REPORT FOR THE MONTH OF SEPTEMBER

DATE: October 10, 2012

Forms processed each month by the Claims Department

Over the past two years the department has averaged processed 11,234 forms (clinchers, fee petitions and 3rd party settlements) per month.

These forms are processed manually and checked by an individual in the department. Once the form is reviewed and ready for processing the form is scanned to the computer and then indexed to the appropriate file.

The Department has added another Claims Examiner, DiAnn Davis. This addition will allow the Department to review more files to ensure the forms are filed timely and correctly.

The examiners and administrative assistants work hard to ensure that the forms are processed timely and accurately. As our computer processes keep improving the addition of having other forms filed electronically will certainly help in the time spent on manually entering each form.

Statistics for Fiscal Year 2012-2013

Claims Services Division

	July	August	Sept	Total
Forms 15-I	1,387	1,456	1,299	4,142
Forms 15-II/Forms 17	867	921	777	2,565
Forms 16 for PP/Disf	253	366	228	847
Forms 18	4,899	5,294	4,565	14,758
Forms 20	979	1,002	874	2,855
Form 50 Claims Only	293	327	280	900
Form 61	690	779	629	2,098
Letters of Rep	164	181	142	487
Clinchers	748	826	626	2,200
Third Party Settlements	22	27	33	82
SSA Requests for Info	141	134	96	371
Cases Closed	2,117	2,562	1,965	6,644
Cases Reviewed	943	1,545	991	3,479
Total	13,503	15,420	12,505	41,428

Fines Assessed by Claims Department

	July	August	Sept	Total
# Assessed	406	489	380	1,275
# Rescinded	92	105	71	268
# Reduced	49	22	17	88
# Paid	363	314	275	952
# Outstanding*	823	893	927	927
Total Amt. Assessed	\$86,325	\$105,800	\$76,500	\$268,625
Total Amt. Rescinded	\$19,000	\$23,100	\$15,700	\$57,800
Total Amt. Reduced	\$8,200	\$2,900	2,475.00	\$13,575
Total Amt. Paid	\$80,825	\$69,100	\$57,075	\$207,000
Total Outstanding*	\$174,898	\$185,598	\$186,848	\$186,848

Amounts assessed and fines collected for each form – September 2012

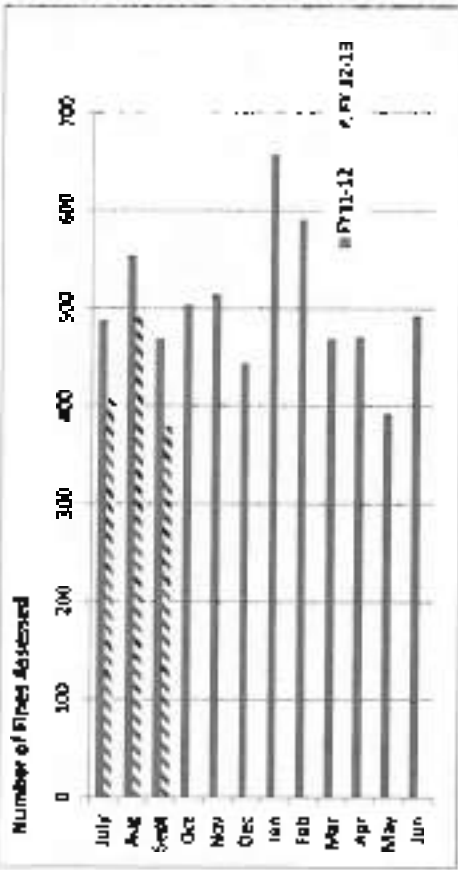
Form	Assessed	# Fines Assessed	Collected	# Fines Collected
12-A	\$14,200	91	\$11,300	60
Form 15 Section I	\$7,800	32	\$7,025	34
Form 15 Section II	\$2,000	10	\$2,125	11
Form 15 S	\$1,200	6	\$1,400	7
Form 17	\$1,400	8	\$1,300	7
Form 18	\$40,800	183	\$30,250	135
Form 19	\$300	6	\$75	2
Denial Letter	\$4,200	21	\$1,300	7
Failure to Respond	\$4,600	23	\$2,300	12
TOTAL	\$76,500	380	\$57,075	275

Form 18 Fines Assessed						
	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sept-12
Assessed Daily	\$44,400	\$45,600	\$38,900	\$38,925	\$42,800	\$37,200
Assessed File Review	\$7,200	\$7,600	\$34,600	\$5,000	\$6,000	\$3,600
TOTAL FINES ASSESSED	\$51,600	\$53,200	\$73,500	\$43,925	\$48,800	\$40,800
# Assessed Daily	187	203	199	178	187	165
# Assessed File Review	37	34	39	25	30	18
Total # Form 18 Fines Assessed	224	237	238	203	217	183
Form 18 Fines Collected	\$61,000	\$39,450	\$55,800	\$49,000	\$36,450	\$30,250
# Form 18 Fines Collected	238	184	231	199	151	135

The fines assessed for Form 18's went down 34 fines for the month of September. The last six months the Form 18 fines assessed have averaged 217 fines per month.

The Department is working hard to ensure all files are reviewed timely. The examiners are diligently processing all forms daily to ensure the files/computer is as up to date as possible. I would anticipate that the Form 18 fines would remain between the 200 and 250 fines per month for the next several months.

All Other Fines Assessed						
(Form 12-A; Form 15; Form 17; Form 19; Denial Letter; Form 20; Failure to Respond						
	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sept-12
Amt Assessed	\$49,750	\$31,000	\$49,050	\$42,400	\$57,000	\$35,700
# Fines Assessed	247	155	254	203	286	197
Amt Paid	\$39,200	\$21,600	\$34,650	\$31,825	\$32,650	\$26,825
# Fines Paid	218	113	182	164	165	140

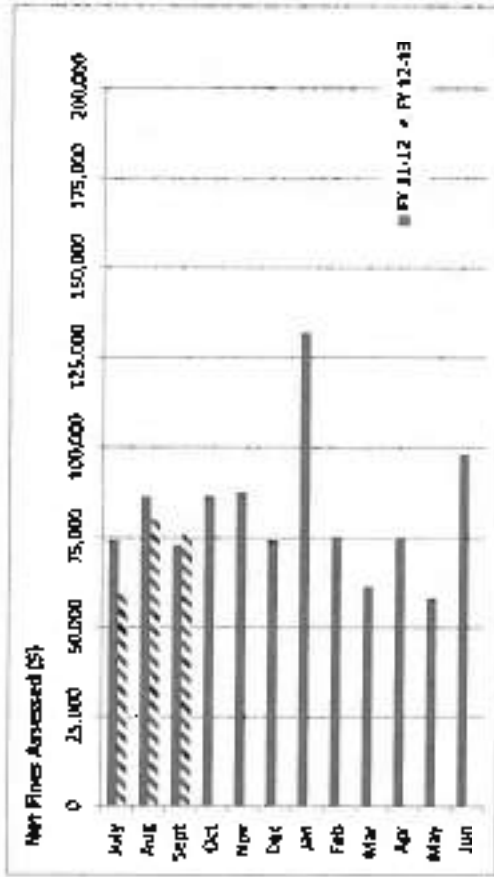


Fines Assessed (#)

	FY 11-12	FY 12-13
July	487	406
Aug	553	489
Sept	469	380
Oct	504	0
Nov	514	0
Dec	464	0
Jan	656	0
Feb	590	0
Mar	469	0
Apr	471	0
May	392	0
Jun	492	0
Total	6,041	1,275
Mo Avg	503	638

Fines Received (#)

	FY 11-12	FY 12-13
July	543	363
Aug	516	314
Sept	406	275
Oct	396	0
Nov	434	0
Dec	511	0
Jan	608	0
Feb	593	0
Mar	592	0
Apr	421	0
May	299	0
Jun	412	0
Total	5,731	952
Mo Avg	478	476

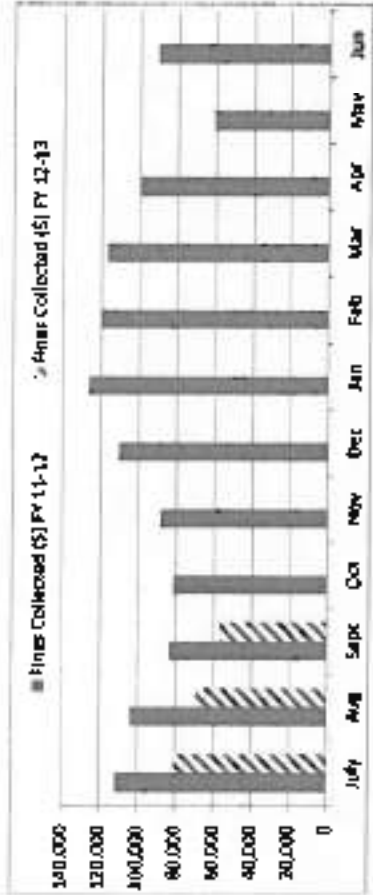


Net Fines Assessed (\$)*

	FY 11-12	FY 12-13
July	74,075	59,125
Aug	86,375	79,800
Sept	72,750	76,500
Oct	86,600	0
Nov	87,500	0
Dec	74,050	0
Jan	132,000	0
Feb	75,375	0
Mar	61,375	0
Apr	74,750	0
May	58,325	0
Jun	98,075	0
Total	981,190	215,425
Mo Avg	81,766	107,713

Fines Collected (\$)

	FY 11-12	FY 12-13
July	111,875	80,825
Aug	103,800	69,100
Sept	83,300	57,075
Oct	81,500	0
Nov	88,100	0
Dec	110,700	0
Jan	126,700	0
Feb	120,225	0
Mar	116,915	0
Apr	100,200	0
May	61,050	0
Jun	90,450	0
Total	1,194,615	207,000
Mo Avg	99,551	103,500



*after reductions and restituted

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Workers' Compensation Commission

October 22, 2012

To: Gary M. Cannon
Executive Director

From: Virginia L. Crocker
Judicial Director

RE: **October Monthly Report**

During the prior month, the Judicial Department has managed 1083 pleadings and 647 responses. Additionally, we have processed 104 motions. Our staff has been reduced by one member with a reassignment to the Claims Department. This staff change reduces our Case Manager staff by two.

We are managing our caseload through reorganization and reassignment of certain duties throughout the staff. I would like to take this opportunity to thank them for their commitment to continue to provide timely service to our constituents.

Another round of mediation was held in Charleston during September. The settlement of this group of cases marked the conclusion of the seventh round of successful mediation. All cases set for mediation were settled.

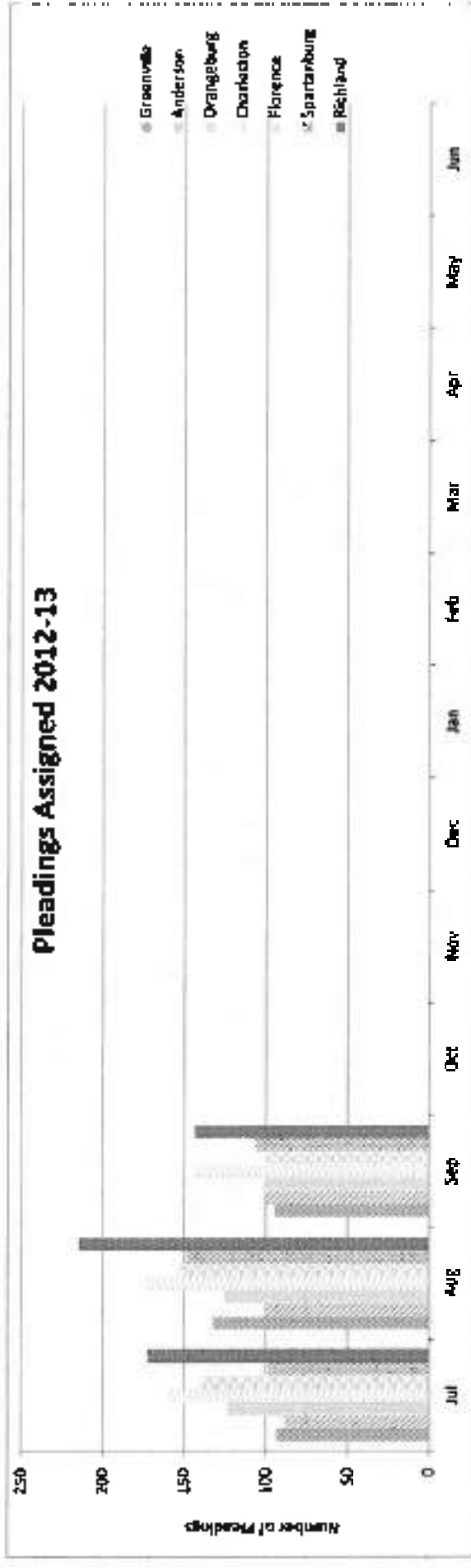
The department continues to work on the development of our mediation work flow processes in anticipation of the passage of our mediation regulation during the next term of the General Assembly. This is an ongoing process involving the Judicial Department as well as the IT Department. Our goal is to be able to deliver a seamless transition from our current practices while incorporating our new procedures for mediation.

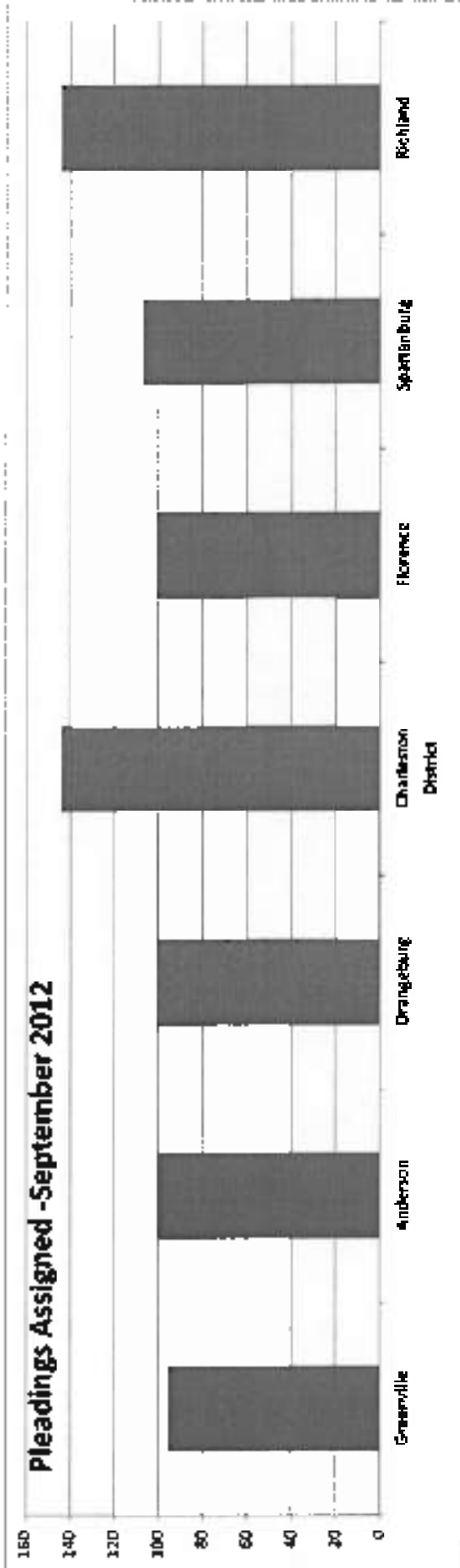
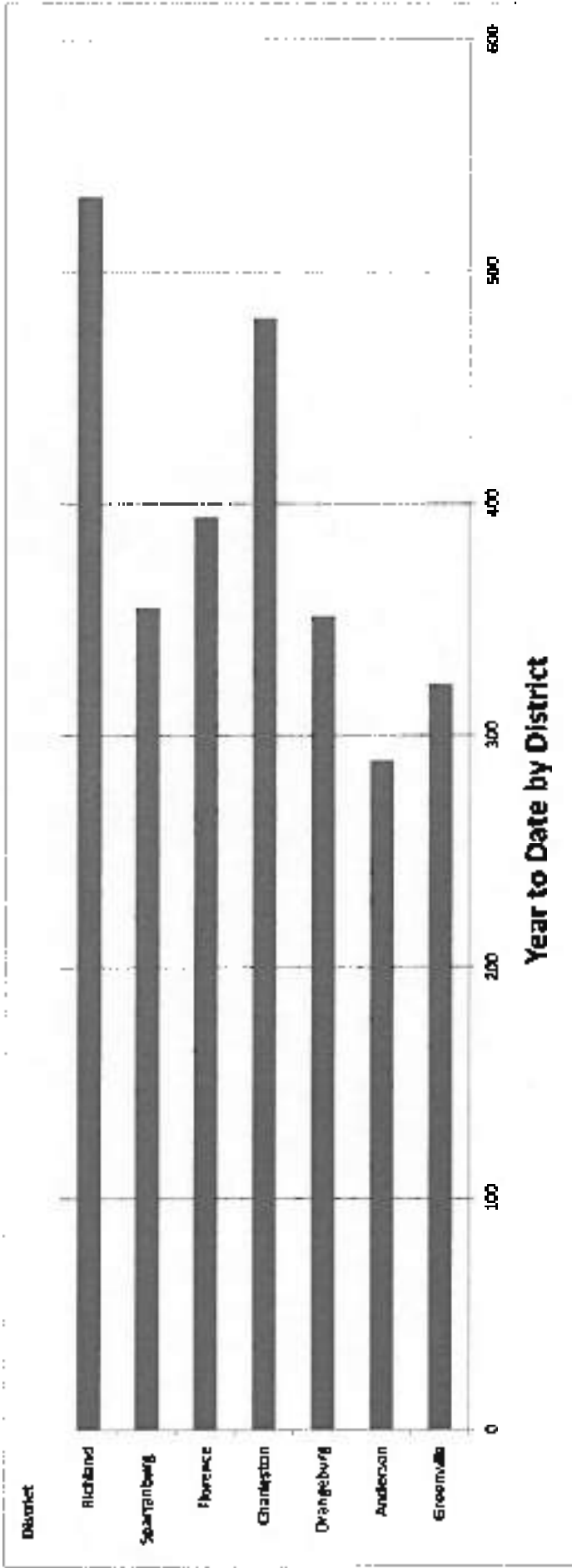
The monthly statistical report is attached.

Pleadings Assigned

	District 1 Greenville			District 2 Anderson			District 3 Orangeburg			District 4 Charleston			District 5 Florence			District 6 Spartanburg			District 7 Richland		
	12-13	11-12	10-11	12-13	11-12	10-11	12-13	11-12	10-11	12-13	11-12	10-11	12-13	11-12	10-11	12-13	11-12	10-11	12-13	11-12	10-11
Jul	94	85	93	89	106	117	124	103	118	153	169	146	155	99	114	173	153	140			
Aug	133	140	121	100	104	106	126	122	113	199	193	138	149	149	184	215	183	132			
Sep	95	171	111	100	95	85	101	128	105	143	130	115	101	107	131	144	148	163			
Oct		118	99		97	76	134	134	84	108	157	117	128		83		144	190			
Nov		154	97		94	50	133	122	122	151	140	99	121		98		191	151			
Dec		164	95		142	51	104	131	131	181	131	88	117		83		144	138			
Jan		112	108		90	83	122	123	123	180	164	90	111		101		129	140			
Feb		163	132		114	67	112	102	102	141	139	89	136		85		153	95			
Mar		118	165		84	100	126	109	109	162	160	140	149		133		118	154			
Apr		121	130		89	83	101	112	112	126	163	96	143		106		185	163			
May		105	92		79	90	131	113	113	148	160	112	120		109		144	149			
Jun		112	95		94	79	119	112	112	170	138	116	134		143		154	152			
Totals	958	1528	1338	289	1188	1011	351	1435	1324	1932	1844	394	1625	355	1546	312	1856	1592			

Pleadings Assigned 2012-13

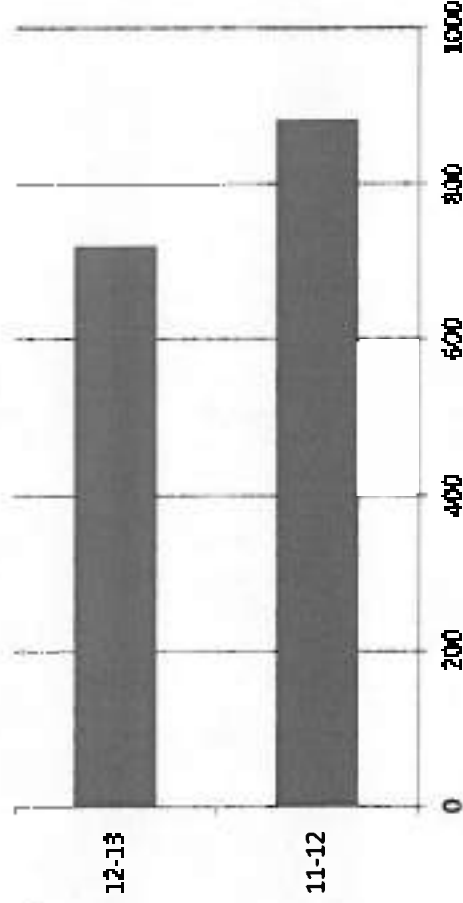




Informal Conf. Conducted

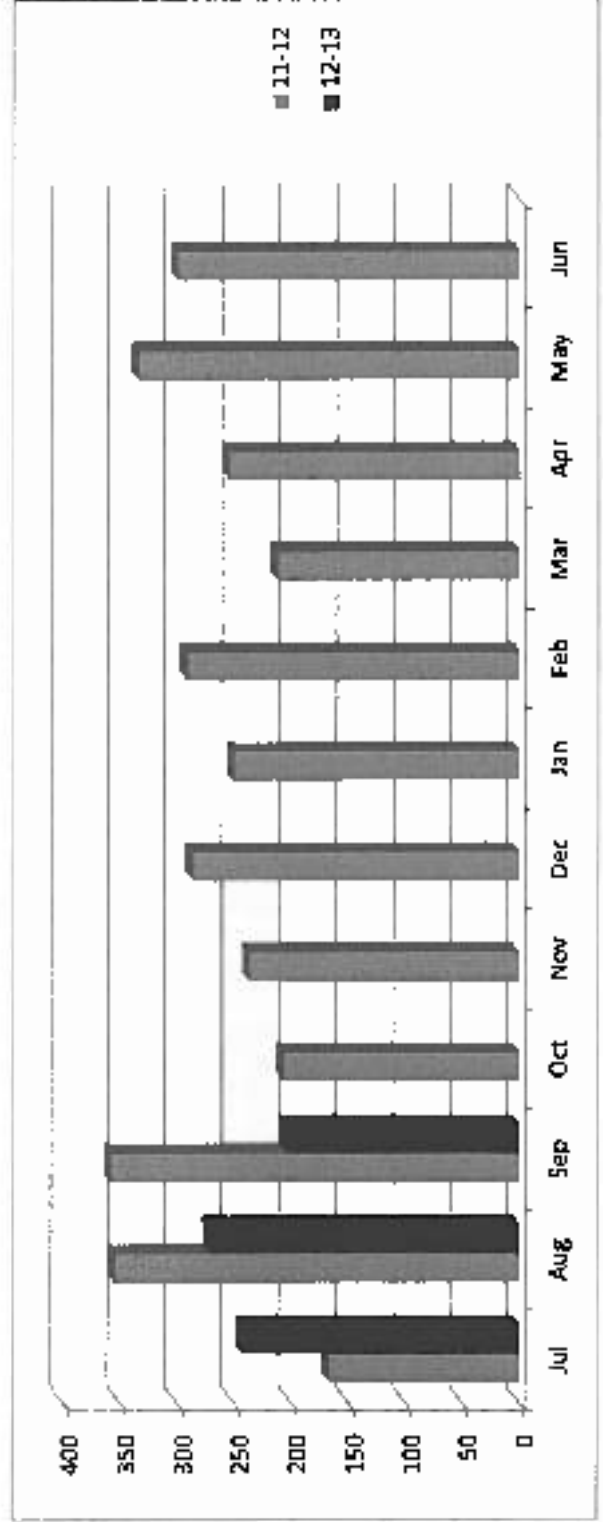
	11-12	12-13	
Jul	167	243	145.5%
Aug	356	272	76.4%
Sep	359	205	57.1%
Oct	208		0.0%
Nov	238		0.0%
Dec	287		0.0%
Jan	251		0.0%
Feb	292		0.0%
Mar	213		0.0%
Apr	255		0.0%
May	335		0.0%
Jun	301		0.0%
Total	3262	720	

IC's to Date v. Prior



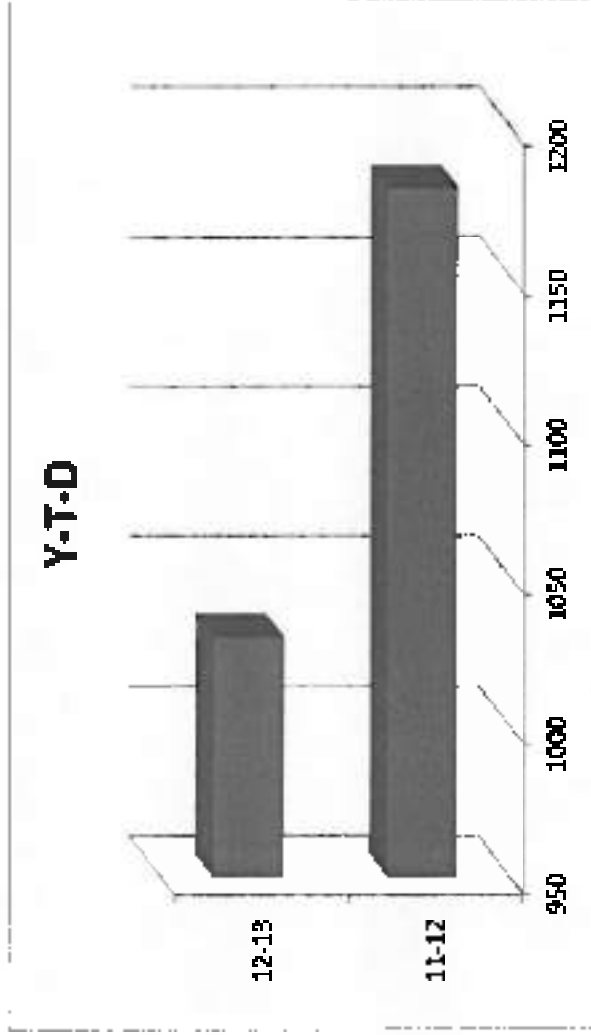
11-12 882 12-13 720 81.6%

Y-T-D



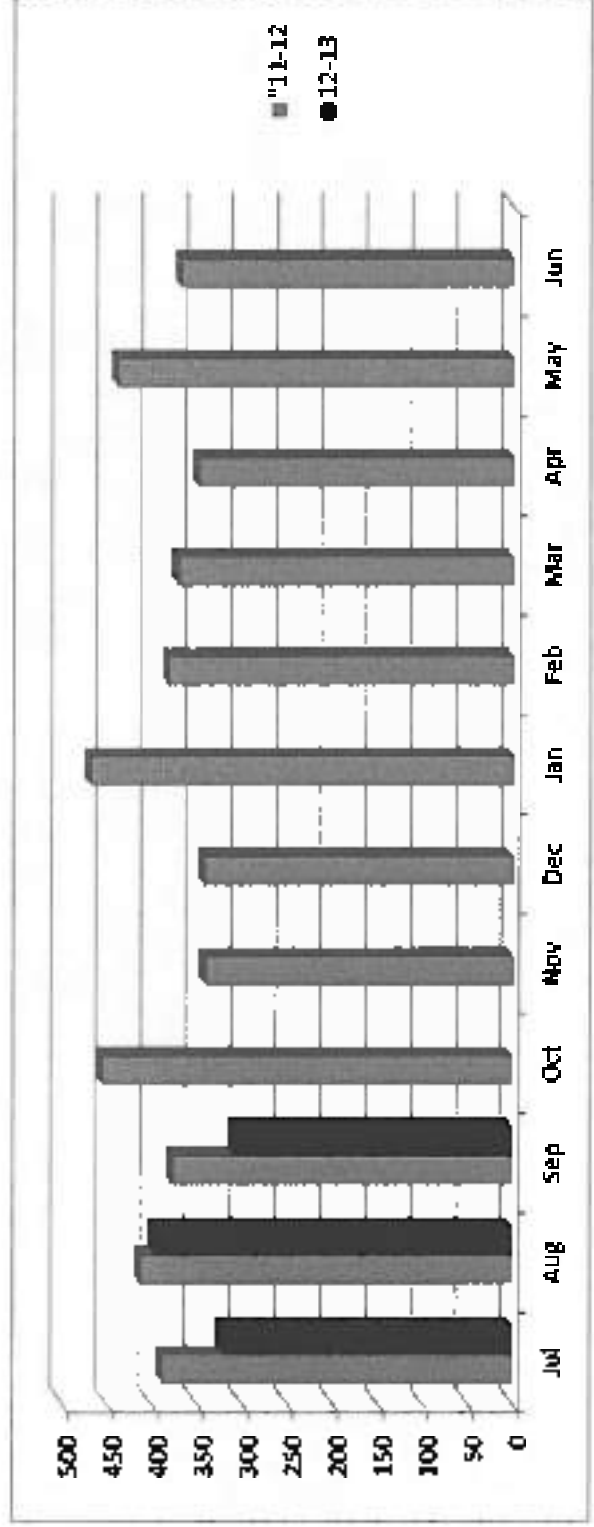
Informal Conf. Requested

	11-12	12-13
Jul	389	322
AUG	413	398
Sep	378	310
Oct	456	
Nov	342	
Dec	343	
Jan	470	
Feb	383	
Mar	372	
Apr	350	
May	440	
Jun	370	
Total	4706	1030



11-12 1180 1030 0.872681

Y-T-D



Informal Conference & Mediations

Staff	Mileage/Hours												Total
	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	
Staff 1 Greg	SVM	615.00	730.00	983.00									2328.00
	PVM	50.00	0.00	0.00									50.00
	Time	60.00	44.00	52.00									156.00
	Hotel	0.00	0.00	0.00									0.00
Staff 2 DiAnn	SVM	513.00	776.00	424.00									1713.00
	PVM	0.00	0.00	0.00									0.00
	Time	42.00	59.75	39.00									140.75
	Hotel	0.00	111.95	0.00									111.95
Staff 3 Kelly	SVM	0.00	0.00	0.00									0.00
	PVM	0.00	0.00	0.00									0.00
	Time	12.50	12.50	12.50									37.50
	Hotel	0.00	0.00	0.00									0.00
Staff 4 Robin	SVM	0.00	0.00	0.00									0.00
	PVM	0.00	0.00	0.00									0.00
	Time	0.00	0.00	0.00									0.00
	Hotel	0.00	0.00	0.00									0.00
Staff 5 Ginger	SVM	0.00	0.00	0.00									0.00
Mediations	PVM	0.00	0.00	346.00									346.00
	Time	8.00	0.00	60.50									68.50
	Hotel	0.00	0.00	0.00									0.00

Totals FY 2012-2013	
SVM = State Vehicle Miles	4041.00
PVM = Personal Vehicle Miles	396.00
T = Time	402.75
H = Hotel Cost	111.95

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Workers' Compensation Commission

Executive Director's Report
Gary M. Cannon
October 18, 2012

Employee Meetings/Staff Training

An All-Employee meeting was held September 20. The Executive Staff met on September 25. The Leadership Team will meet October 30. Cross training continues with employees in the Insurance & Medical Services Division and Judicial Department.

FY2011-2012 Accountability Report

The FY 2011-2012 Accountability Report was submitted to the Office of State Budget on October 1, 2012. The report is posted on the website.

FY2011-2012 Annual Report

The FY 2011-2012 Annual Report is complete and is posted on the website.

FY2013-2014 Budget Plan

The FY 2013-2014 Budget Plan was submitted to the Office of State Budget on September 21, 2012.

Proposed Regulatory Changes

On September 26, 2012 the proposed R4286 (Mediation) and proposed R 4283 (Oral Arguments) were submitted to the General Assembly for approval and will be considered during the new legislative session.

Claims Administration Workshop

Registration has begun for the Commission's Claims Administration Workshop scheduled for Wednesday, November 7, 2012 at SC Department of Archives and History.

Second Injury Fund RFP Evaluation Panel

The Executive Director participated on a committee to review the proposals from actuaries to provide consulting services for the close out of the Second Injury Fund. The committee met on September 14, 2012.

Commuted Value Discount Calculation Advisory Committee

The Executive Director and Mr. Duffield met with the Committee met on Friday, September 21.

Workers' Compensation Advisory Committee

Chairman Beck and Mr. Cannon attended the Governor's Advisory Committee meeting on Friday, October 5, 2012.

Surgical Implant Advisory Committee

The SC Hospital Association has submitted a letter to the Committee in response to the data request. Chairman Beard anticipates scheduling a meeting within the next 30 days to discuss the response and a request from the SC Orthopedic Association.

SC Workers' Compensation Education Association

Seven Commissioners and the Executive Director attended the SCWCEA Annual meeting October 14-17 and participated in several panel discussions and presentations.

Other Meetings

The Executive Director participated in the following meetings/activities:

- September 18 – Met with a representative from Bio M
- September 20 – Meeting with a committee of the SC Chiropractors Association.
- September 20 – Attended the SC Bar Reception honoring the Commissioners
- September 21 – Gave a presentation at *The Law of Workers' Compensation in South Carolina – 2012 Update* which was held at the SC Bar Conference Center
- September 27 – Gave a presentation to school personnel directors at the State Personnel Fall Conference at Saluda Shoals Park
- October 9 – Gave a presentation to the SCIA Managed Care Directors Meeting
- October 18 – Gave a presentation to the SC Nature Based Tourism Association

Constituent /Public Information Services

For the period September 13 through October 9, 2012 the Executive Director's Office had 344 contacts with various system constituents and stakeholders. The contacts included telephone communications; electronic and personal contacts with claimants or constituents, state agencies, federal agencies, attorneys, service providers, business partners; and letters with congressional offices.

SCWCC Stakeholder Electronic Distribution List

For the period September 14 through October 10, 2012, we added four individuals to the Commission's stakeholder distribution list and deleted two individuals (deceased). We have 313 individuals currently receiving notifications from the Commission.

SC Vocational Rehabilitation Department

Attached is a statistical report on SCVRD/WCC referrals provided by Michelle Prevost, SCVRD Counselor, for September 2012.

Court Fines and Assessments Aging Report

The attached Fines and Assessments Aging Report reflects the number and amount of fines assessed for the period ending September 30, 2012.



South Carolina Vocational Rehabilitation Department

*Enabling eligible South Carolinians with disabilities to prepare for,
achieve and maintain competitive employment.*

Barbara G. Hollis, Commissioner

MEMO

TO: Gary Cannon

FROM: Michelle A. Prevost, SCVRD Counselor

DATE: October 9, 2012

RE: SCVRD/WCC Referrals

As the SCVRD counselor assigned to the Workers Compensation Commission, I held office hours at WCC for 2 days this past month.

During this month's office hours, I have continued the review of approximately 1300 WCC Richland County cases for 2010. In my review so far, I have identified additional claimants to which I will send referral letters in October. I will continue this review of 2010 cases for the Lexington/Richland area based upon body type and severity of injury through the Claims Maintenance and Documents on file for the cases.

As of September 30th, I have had the following contacts regarding potential WCC referrals:

- Since letters were sent on 8/31, I have received 4 return calls for additional information about SCVRD to assist the claimant in making a decision regarding participation. I have sent them this information. Two appointments have been scheduled for October.
- As a result of the July 19th presentation of SCVRD services to all WCC staff, I received a total of 6 referrals through either self-referral or through WCC Human Resources office to assist WCC employees with Job Retention Services. Five are currently still being processed for eligibility and one was just recently referred, so contact needs to be made.
- Assisting Betsy Hartman with the final preparations and query testing of the portal site.

Primary Disability	#
Mobility Impairments	1
Manipulation/dexterity impairments (hand/fingers)	3
Other Orthopedic Impairments (e.g. limited range of motion)	12
General physical debilitation (fatigue, weakness, chronic pain)	
Hearing or visual impairments	
Other physical impairments (not listed above)	2
Total	18

State of South Carolina

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Workers' Compensation Commission

TO: GARY CANNON
FROM: KEITH ROBERTS, LAW CLERK
DATE: OCTOBER 19, 2012
RE: ELECTRONIC SERVICE

At last month's regular Business Meeting, the Commissioners reviewed and discussed R67-213 Service of Orders, Hearing Notices, and Review Hearing Notices. It was decided to carry the matter over to October's Business Meeting.

At the request of Commissioner Williams, I conducted further research concerning the matter. Attached are copies of portions of the Local Civil Rules for the US District Court of SC, the Federal Local Rule regarding electronic case filing, and the US District Court of SC's Electronic Case Filing Attorney User Manual.

The Federal Court explicitly lays out in its Rules and Attorney Manual when filing and service are complete when made electronically. Currently, the Commission's Regulations do not contain such provisions. In order for the Commission to adopt provisions similar to the Federal Rules, the Commission would have to amend Regulations 67-211 (service and filing of Forms and Documents by the parties to the claim); 67-213(A) (service of Orders by the Commission); and 67-213(B) (service of hearing notices and other documents by the Commission).

Should the Commission elect not to amend the Regulations, the effective date of filing and service when made by electronic means will have to be decided judicially based on the facts of the individual case. Both R.67-211 and R.67-213(B) provide that service is deemed complete upon "mailing". A determination from the Courts as to whether "mailing" includes electronic mail would help determine the date service is complete for pleadings and motions filed by the parties and hearing notices served by the Commission. However, R.67-213(A)(2) expressly provides the effective date of service when made by first class mail and certified mail but is silent as to electronic service. Therefore the effective date of service of an Order of the Commission would have to be made judicially.



LOCAL CIVIL RULES

for the

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

(with revisions through January 2012)

SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

5.01: *Filing of Discovery.* Interrogatories under Rule 33 Fed. R. Civ. P. and responses thereto, Requests under Rule 34 Fed. R. Civ. P. and responses thereto, and Requests for Admissions under Rule 36 Fed. R. Civ. P. and responses thereto (collectively "discovery material") shall be served upon other counsel or parties, but shall not be filed with the Court. Transcripts of depositions taken under Rule 30 or Rule 31 Fed. R. Civ. P. (collectively "deposition") shall not be filed with the Court. The party responsible for serving the discovery material or taking the deposition shall retain the original and become the custodian thereof.

If relief is sought with respect to any discovery material or deposition, a copy of the relevant portion of the discovery material or deposition shall be filed with the Court contemporaneously with the filing or presentation of the request for relief. See Local Civil Rules 7.04 and 7.06.

If discovery material or depositions are to be used at trial or are necessary to resolution of a pretrial motion which might result in a final order on any issue, the portions to be used shall be filed with the Clerk of Court at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.

When original discovery material or an original deposition is needed for appeal purposes and is not in the record, upon application and order of the Court the necessary discovery material or deposition shall be filed with the Clerk of Court.

5.02: *Filing with the Clerk.* This Court utilizes an Electronic Case Filing System (ECF) 24 hours a day, 7 days a week, for receiving and storing documents filed in electronic form pursuant to ECF Policies and Procedures established in this District. See Local Civil Rule 5.04. However, for the filing of paper documents, the Court is open on all days except Saturdays, Sundays, and legal holidays. Paper documents may be filed with the Court Services section of the Clerk of Court's office at the Matthew J. Perry, Jr. United States Courthouse in Columbia; the Hollings Judicial Center in Charleston; the Clement F. Haynsworth Federal Building in Greenville; and the McMillan Federal Building in Florence between the hours of 8:30 a.m. and 4:30 p.m. on a day the Court is open.

If for any reason it is necessary for paper documents to be filed with the Court between the hours of 4:30 p.m. and 12:00 midnight for any documents due that day, such emergency filings can be accomplished if the party making the request contacts the Clerk of Court or his designee during the hours of 8:30 a.m. to 4:30 p.m. to make arrangements to accept the after-hours filing. The Clerk of Court or his designee is authorized to accept the entire document, or a portion thereof, by having the party fax the document to a designated fax number. The party must also subsequently deliver the original paper document to the office of the Clerk of Court by 9:30 a.m. on the next day following the request that the Court is open. Paper documents received under this procedure shall be date-stamped "FILED" as of the date and time occurring on the facsimile copy.

5.03: *Filing Documents under Seal.* Absent a requirement to seal in the governing rule, statute, or order, any party seeking to file documents under seal shall follow the mandatory procedure described below. Failure to obtain prior approval as required by this Rule shall result in summary denial of any request or attempt to seal filed documents. Nothing in this Rule limits the ability of the parties, by agreement, to restrict access to documents which are not filed with the Court. See Local Civil Rule 26.08.

- (A) A party seeking to file documents under seal shall file and serve a "Motion to Seal" accompanied by a memorandum, see Local Civil Rule 7.04, and the attachments set forth below in (B) and (C). The memorandum shall: (1) identify, with specificity, the documents or portions thereof for which sealing is requested; (2) state the reasons why sealing is necessary; (3) explain (for each document or group of documents) why less drastic alternatives to sealing will not afford adequate protection; and (4) address the factors governing sealing of documents reflected in controlling case law. *E.g., Ashcroft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000); and *In re Knight Publishing Co.*, 743 F.2d 231 (4th Cir. 1984).
- (B) The motion shall be accompanied by (1) a non-confidential descriptive index of the documents at issue and (2) counsel's certification of compliance with this rule.
- (C) A separately sealed attachment labeled "Confidential Information to be Submitted to Court in Connection with Motion to Seal" shall be submitted with the motion. The sealed attachment shall contain the documents at issue for the Court's *in camera* review and shall not be filed. The Court's docket shall reflect that the motion and memorandum were filed and were supported by a sealed attachment submitted for *in camera* review.
- (D) The Clerk shall provide public notice of the Motion to Seal in the manner directed by the Court. Absent direction to the contrary, this may be accomplished by docketing the motion in a manner that discloses its nature as a motion to seal.
- (E) No settlement agreement filed with the Court shall be sealed pursuant to the terms of this Rule.

5.04: *Filing Documents by Electronic Means.* Documents may be filed, signed, and verified by electronic means to the extent and in the manner authorized by the Court's Electronic Case Filing Policies and Procedures Manual and the Attorney User Manual. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure.

5.05: *Service of Documents by Electronic Means.* Filed documents may be served by electronic means, including through the Court's transmission facilities, or as otherwise provided and authorized by the Court's Electronic Case Filing Policies and Procedures Manual and the Attorney User Manual. Transmission of the Notice of Electronic Filing constitutes service of the filed document upon each attorney in the case who is registered as a Filing User in accordance with procedures established by the Court. Any other attorney, party, or parties shall be served according to these Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure.

5.06: *Substitution, Correction, and Removal of Electronically Filed Documents.* Nothing in this Rule precludes the Clerk of Court (1) on request of the filing party, from accepting and substituting a corrected document that properly redacts or removes any personal identifiers or other information protected from disclosure by statute, rule, regulation, or policy and procedures officially adopted by this district, or (2) on request of a party with the consent of all other parties, from accepting and substituting a redacted document for a previously filed document for any other reason. All other requests to redact the content of a previously filed document, or to remove it from the docket, shall be granted only upon motion and order.*

* Nothing in this Rule limits the authority of the Clerk of Court to correct filing errors or require parties to file or submit corrected documents to conform to the formatting, technical, or other requirements of this district's electronic filing procedures.

Local Rule 25(a)
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Local Rule 25(a), Electronic Case Filing System.

With the exception of administrative matters, all cases filed in the Court are assigned to the Court's Case Management/Electronic Case Filing System (CM/ECF).

(1) **Scope of Electronic Filing.** Unless granted an exception for good cause or unless filing only a motion to withdraw from representation, counsel must file all documents in accordance with the requirements of this rule. Pro se litigants are not required to file documents electronically but may be authorized to file electronically in a pending case upon motion and compliance with the Court's CM/ECF registration requirements. Documents filed electronically must be filed in Portable Document Format (PDF). Text-searchable format is required for briefs and preferred for all documents. Except as provided below or ordered by the Court, paper copies of electronic documents are not required.

(A) **New Cases.** New petitions for review, applications for enforcement, petitions for permission to appeal, petitions for mandamus or prohibition, and motions to authorize successive post-conviction applications must be filed using one of the following options:

(i) **Submit New Case through CM/ECF Utilities:** File petition in electronic form by selecting "Submit New Case" under CM/ECF Utilities and uploading the petition as a new case. Paper copies are not required, but the petition must be served conventionally, outside the CM/ECF system. The petition is deemed filed as of the date the electronic document was received by the clerk's office

or

(ii) **File in Paper Form:** File the original petition in paper form and serve the petition conventionally, outside the CM/ECF system. The petition is filed as of the date the paper document was received in the clerk's office. Additional copies are not required.

(B) **Briefs.** Formal briefs must be filed and served electronically. In addition, counsel must file the paper copies required by Local Rule 31(d). The brief is deemed filed as of the date and time stated on the notice of docket activity for the electronic brief, provided that paper copies are mailed, dispatched to a third-party commercial carrier, or delivered to the clerk's office on the next business day. Service of the paper brief is not required if the brief was served electronically on counsel and on any party not represented by counsel.

(C) **Administrative Records.** The agency filing the administrative record in agency review or enforcement cases and in social security appeals must file the original or one certified copy of the record, either in paper form or through CM/ECF in electronic form.

(i) If the agency files the administrative record in electronic form, counsel filing the opening brief may adopt the administrative record in lieu of filing an appendix under section (D) below, file four additional paper copies of the administrative record, and cite to the AR rather than the JA. The paper copies of the administrative record must be produced using double-sided copying, be securely bound down the left side without obscuring text, and be identified as the administrative record on white covers bound with each copy. In social security appeals, appellant's counsel must also file an appendix under section (D) below that contains any district court documents necessary for appellate review.

(ii) If the agency files the administrative record in paper form, counsel filing the opening brief must file an appendix in accordance with section (D) below.

(D) **Appendices.** Unless electronic and paper copies of the administrative record are filed in an agency review or enforcement case under (C) above or no appendix is required because a criminal appeal is proceeding under *Anders v. California*, electronic filing of either the full appendix or an appendix excerpt is required in accordance with option (i) or (ii) below. In addition, counsel must file the paper copies required by Local Rule 30(b)(4). The appendix is deemed filed as of the date and time stated on the notice of docket activity for the electronic filing of the appendix or appendix excerpt, provided that paper copies of the appendix are mailed, dispatched to a third-party commercial carrier, or delivered to the clerk's office on the next business day. Service of the paper appendix is not required if a full electronic appendix under option (i) was served on counsel and on any party not represented by counsel. Service of the paper appendix is required if an electronic appendix excerpt is used under option (ii).

Option (i): File the full appendix in electronic form, separately filing any sealed documents as a sealed appendix.

Option (ii): File an appendix excerpt in electronic form, that begins with a list of the excerpt contents and that includes the following excerpts from the appendix, with the same pagination and in the same order in which they appear in the paper appendix:

- any sealed documents (file separately as a sealed appendix);
- any documents available only in paper form in the record;
- any documents filed by the parties in a social security case;
- any pertinent opinion, findings, or recommendations of a magistrate judge or bankruptcy court;
- the opinion and order or judgment being appealed; and
- the notice of appeal

Additionally under option (ii), counsel must cite to both the paper appendix and the docket entry and page number of the electronic record for all record references contained in the brief. For example, material located at page 81 of the joint appendix and at district docket entry 20, page 5, would be cited as JA 81; DE 20 at 5. Counsel using option (ii) may, without motion, exceed the length limitations for opening and response briefs by up to 200 words. If appellant uses option (ii), appellee may use the same option or may file the full electronic appendix under option (i).

(E) **Vouchers.** Criminal Justice Act and other payment vouchers are maintained as financial records separate from the docket. The original must be filed in paper rather than electronic form, and no copies are required.

(2) **Eligibility, Registration, Passwords.** Attorneys who intend to practice in this Court should register as filing users of the Court's CM/ECF system. If permitted by the Court, a party to a pending civil case who is not represented by an attorney may register as a filing user of the Court's CM/ECF system solely for purposes of that case. A pro se party's filing user status will be terminated upon termination of the case or termination of the party's pro se status.

Completion of the Fourth Circuit Electronic Case Filer Application constitutes consent to electronic service of all documents as provided in this rule and the Federal Rules of Appellate Procedure. Filing users agree to protect the security of their passwords and immediately notify the PACER Service Center and the clerk if they learn that their password has been compromised. Filing users may be sanctioned for failure to comply with this provision.

A filing user may withdraw from participation in CM/ECF by providing the clerk with written notice of withdrawal. A filing user's withdrawal from participation in CM/ECF does not alter the requirement that documents be filed in compliance with this rule.

Electronic transmission of a document to CM/ECF, consistent with this rule, together with the transmission of a notice of docket activity from the Court, constitutes filing of the document under the Federal Rules of Appellate Procedure and the Court's local rules and constitutes entry of the document on the docket kept by the clerk under FRAP 36 and 45(b).

A document filed electronically is deemed filed at the date and time stated on the notice of docket activity from the Court. Unless otherwise directed by the Court, filing must be completed before midnight Eastern Time, as shown on the notice of docket activity, to be considered timely filed that day.

Before filing a document with the Court, a filing user must verify its legibility and completeness. When a document has been filed electronically, the official record is the electronic document stored by the Court, and the filing party is bound by the document as filed.

If an extension of time or leave of Court is required to file a document, a filing user should file the motion to extend filing time or other appropriate motion using the motion event and the underlying document using the document event. If the Court denies the motion, it will strike the underlying document. If the Court grants the motion, the underlying document will remain on the docket.

The notice of docket activity that is generated by the Court's electronic filing system constitutes service of the filed document on any registered CM/ECF users. Parties who are not registered for electronic service through CM/ECF must be served conventionally, outside the CM/ECF system, with a copy of any document filed electronically.

If a document (such as a sealed document or a new case) cannot be served electronically, the filer must serve the document conventionally, outside the CM/ECF system.

The notice of docket activity generated by the Court's electronic filing system does not replace the certificate of service required by FRAP 25(d).

(5) **Entry of Court-issued Documents.** Except as otherwise provided by local rule or Court order, all orders, decrees, opinions, judgments, and proceedings of the Court relating to cases filed and maintained in the CM/ECF system will be filed electronically in accordance with these rules, which will constitute entry on the docket kept by the clerk under FRAP 36 and 45(b).

Any order or other Court-issued document filed electronically without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy of the order.

(6) **Attachments and Exhibits to Motions and Original Proceedings.** Unless the Court permits or requires traditional paper filing, filing users must submit in electronic form all documents referenced as exhibits or attachments. Material should be excerpted to include only such portions as are germane to

the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. The Court may require parties to file additional excerpts or the complete document.

(7) **Sealed Documents.** Sealed material must be filed in accordance with Local Rule 25(c) and served conventionally, outside the CM/ECF system.

(8) **Retention Requirements.** Documents that are electronically filed and require original signatures other than that of the filing user must be maintained in paper form by the filing user for a period of three years after issuance of the Court's final mandate in the case. On request of the Court, the filing user must provide original documents for review.

(9) **Signatures.** The user log-in and password required to submit documents to the CM/ECF system serve as the filing user's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Appellate Procedure, the Court's local rules, and any other purpose for which a signature is required in connection with proceedings before the Court.

The name of the filing user under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

No filing user or other person may knowingly permit or cause to permit a filing user's log-in and password to be used by anyone other than an authorized agent of the filing user.

Documents requiring signatures of more than one party must be electronically filed either by submitting a scanned document containing all necessary signatures; representing the consent of the other parties on the document, identifying on the document the parties whose signatures are required and submitting a notice of endorsement by the other parties no later than three business days after filing; or any other manner approved by the Court.

Electronically represented signatures of all parties and filing users as described above are presumed to be valid signatures. If any party, counsel of record, or filing user objects to the representation of his or her signature on an electronic document as described above, he or she must, within 10 days, file a notice setting forth the basis of the objection.

(10) **Notice of Court Orders and Judgments.** Immediately upon the entry of an order, judgment, or opinion in a case assigned to CM/ECF, the clerk will electronically transmit a notice of docket activity to filing users in the case. Electronic transmission of the notice of docket activity constitutes the notice and service required by FRAP 36(b) and 45(c).

The clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Appellate Procedure.

(11) **Technical Failures.** A party or attorney who is adversely affected by a technical failure in connection with filing or receipt of an electronic document may seek appropriate relief from the Court.

(12) **Hyperlinks.** Electronically filed documents may contain hyperlinks to: other portions of the same document or other documents filed on appeal; documents filed in the lower court that are part of the record on appeal; and statutes, rules, regulations, and opinions.

Hyperlinks do not replace citations to the appendix, record, or legal authority and are not considered part of the appellate record. Documents must contain standard citations in support of statements of fact or points of law, in addition to any hyperlink. The Court accepts no responsibility for the availability or functionality of any hyperlink and does not endorse any organization, product, or content at any hyperlinked site.

07/02/2012

**Electronic Case Filing
Attorney User Manual
District of South Carolina**



Revised June 20, 2005

1. GENERAL

A. Overview

1. Use of this Manual and the ECF Policies and Procedures

This manual provides instructions on how to use the District of South Carolina's *Electronic Case Filing (ECF) System*.^{*} This system allows properly authorized attorneys (*Filing Users*)^{*} to electronically file and retrieve documents. It also facilitates the electronic service of documents on other *Filing Users*.

- * As you read this manual, you will notice that a number of words are shown in *italics with initial capitalization*. These are all defined terms. The relevant definitions may be found in ECF Policies and Procedures § 1.

Please note that screen captures are for purposes of demonstration and may not be exactly what is displayed from the current version of ECF and/or your browser.

Prior to reading this manual, you** should read the ECF Policies and Procedures. Compliance with both this manual and ECF Policies and Procedures is required to properly utilize the *ECF System*. Cross references to the ECF Policies and Procedures are included throughout this manual to assist you in finding related sections.

- ** This manual is directed to *Filing Users* as that term is defined in the ECF Policies and Procedures. As used in this manual, the terms "you" and "yours" refer to the *Filing User* or person seeking to become a *Filing User*, depending on context.

Use of the *ECF System* also requires a working knowledge of an internet browser (e.g., Internet Explorer or Netscape) and the ability to use a *PDF* reader-writer program (e.g., Adobe Acrobat). Only the most generic instructions as to use of these type programs are provided in this manual. See also § 1 A.2 (Help Desk).

2. Help Desk

If you have questions about the *ECF System* after training, have difficulty using a computer-based training module, or have problems filing a document, you may call the court's Help Desk.^{*} Help Desk numbers are listed on the last page of this manual. Someone will be available to help you between 9:00 a.m. and 4:30 p.m., Monday through Friday (excluding holidays). At other times, you may leave a voice mail message which will be returned within one business day.

- This manual provides instructions on use of the *ECF System* and, therefore, includes some general information on types of external programs and hardware you will need for this purpose. Court personnel cannot give you technical advice or assist you with specific questions regarding your chosen hardware, software programs (e.g., specific *PDF* reader-writer programs), or the internet (e.g., internet browsers). Such questions should be directed to your hardware, software, or internet service provider. Questions regarding *PACER* should be directed to the *PACER* Service Center. See *infra* § 1.B.3.

3. The Court's Web Page and *ECF System* Capabilities

The court's web page (www.scd.uscourts.gov) will allow anyone with internet access to:

- View or download the most recent version of the *Attorney User Manual*, *ECF Policies and Procedures*, and forms referenced in this manual;
- Self-train on the web-based *ECF* tutorial and computer-based training modules;
- Practice filing documents in the *ECF* "training" database;
- View and download court calendars.

Filing Users may also:

- View and save documents hyperlinked to the *NEF* (one time "free look");
- Electronically file documents in actual cases and electronically serve them on other *Filing Users* and *Pro Hac Vice Participants (PHV Participants)*.

Persons with *PACER* accounts may also:

- View docket sheets;
- View filed documents in all cases (subject to some confidentiality limitations);
- View various reports (e.g., civil cases report, judgments) for cases that have been electronically filed.

One of the major benefits of the *ECF System* is electronic service of most filed papers.* When a document is filed using the *ECF System*, a *Notice of Electronic Filing (NEF)* is automatically sent to the e-mail addresses provided for the *Filing Users* and *PHV Participants* in that action. The date on the *NEF* is the filed date. Filing is not complete until the *NEF* is produced. See *ECF Policies and Procedures* § 6.

- By registering as a *Filing User* or *Pro Hac Vice Participant*, an attorney consents to electronic service of all filed documents other than documents for which electronic service is prohibited (e.g., summons, complaint, indictment, and warrants). See ECF Policies and Procedures §§ 2.4 and 11.

NOTE: Be sure the ECF System's address(es) is/are removed from your spam filter so it will not reject the system's e-mails. **NOTE:** Be sure your spam filter accepts all mail from the domain @usc.uscourts.gov so NEFs, or notifications of electronic filing from the Court, are not rejected.

Individuals who receive electronic notification of a filing are permitted one "free look" at the document by clicking once on the associated hyperlinked document number embedded in the *NEF*.** The document may be saved to your computer at that time for future "free" access. Subsequent retrieval of the case docket sheet and documents from the *ECF System* must be made through your *PACER* account and is subject to regular *PACER* fees.

- ** The hyperlink to access the document will expire after the earlier of: (1) the first use; or (2) 15 days from transmission of the *NEF*. Any time that same hyperlink is accessed after it has expired, the *NEF* recipient will be asked for a *PACER* login and will be charged to view the document.

The attorney who electronically files a document must also make *Traditional Service* on *pro se* litigants and attorneys who are not *Filing Users* or *PHV Participants*.*** The *NEF* must be included with the documents served. Proof of such service shall be electronically filed with the court within one (1) business day after the electronic filing of the document (as shown on the *NEF*).

- *** The *NEF* will indicate which attorneys have received electronic service and will also list associated counsel and any *pro se* parties who have not been served via *NEF*. The *Filing User* who filed the document must make *Traditional Service* on any *pro se* parties and attorneys other than attorneys appearing *pro hac vice* who are listed as not having received the *NEF*. See Local Civil Rule 83.1.06 (not requiring service on attorneys appearing *pro hac vice*).

5. Failed Transmission of *NEF*, E-Mail Accounts and Returned E-Mail

At the end of filing, you will see the system's *NEF* which verifies the transmission was received. If you do not see the *NEF* before logging out, check *PACER* to see if the filing is reflected on the docket. If it is, the transmission was successful. If it is not, contact the Help Desk.

After filing a document, you will receive an *NEF* by e-mail. You should review this e-mail *NEF* to ensure that there are no apparent problems with the notice (i.e., the hyperlink works properly). If you did see the system's *NEF* before logging out of the system, but you did not receive an e-mailed *NEF*, check *PACER* to see if the document is reflected on the docket. If it is, the problem is probably with your e-

mail. If it is not, the filing failed, and you should either refile or contact the Help Desk.

State of South Carolina

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Workers' Compensation Commission

TO: COMMISSIONERS
FROM: GARY CANNON
DATE: SEPTEMBER 13, 2012
RE: ELECTRONIC SERVICE

Chairman Beck asked staff to research the issue concerning the determination of the actual date service of the document (hearing notice, order, etc.) is deemed complete when served electronically. The following is a brief of the issue prepared by Keith Roberts.

ISSUE

Do the current regulations provide additional time for service to be deemed complete after the date a document is served on a party electronically?

LAW

The service of Forms and Documents used in proceedings before the South Carolina Workers' Compensation Commission are governed by 25A S.C. Code Regs. 67-211 (2012). In 2010, the regulation was amended to allow for the service of Forms and Documents electronically. See State Register Volume 34, Issue No. 2, eff February 26, 2010. The Commission and the parties may still serve forms and documents via U.S. Mail. R.67-211. If the parties opt for service by mail, service is deemed complete upon mailing, unless the form is returned to the sender by the U.S. Postal Service. *Id.* If a mailed form is returned, the sender must complete service in accordance with Rule 5, South Carolina Rules of Civil Procedure. *Id.*

The service of Orders and Hearing Notices by the South Carolina Workers' Compensation Commission is governed by R.67-213. The Commission may serve Orders and Hearing Notices according to three methods; electronically, via certified mail return receipt requested and, via first class mail. See R.67-213. Service may also be made by delivery to the party or his or her attorney. R.67-213(1).

The regulation provides specific provisions for determining the date of service when service is made by certified mail and when service is made by first class mail. When service is made by certified mail, return receipt requested, service is deemed complete on the date the addressee signed the return receipt acknowledging receipt. R.67-213(2). Service made by first class mail is not deemed complete until five days after the item was deposited in the mail, regardless whether the addressee received it earlier. *Id.* The regulations are silent as to the date service is deemed complete when service is made electronically.

The South Carolina Rules of Civil Procedure do not allow for service electronically. See SC R. Civ. P. 5 (2012). Service may be completed in the South Carolina Courts by personal delivery or mail. *Id.* The rules provide that "[w]henver a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, . . . five days shall be added to the prescribed period." SC R. Civ. P. 6(e).

The Federal Rules of Civil Procedure do, however, allow for service electronically. Fed. R. Civ. P. 5(b)(2)(E) (2012); Fed. R. Civ. P. 5(d)(3). The Federal Rules provide that "[w]hen a party may or must act within a specified time after service and service is made [Rule 5(b)(2)(E)], 3 days are added after the period would otherwise expire. . .". Fed. R. Civ. P. 6(d).

ANALYSIS

While the Workers' Compensation Commission's regulations make it clear that service by electronic means is appropriate in certain situations, the regulations do not expressly provide when service is deemed complete when it is made by electronic means. Service on a represented party of a Claimant's request for a Hearing, a Defendant's request for a Hearing and other forms and documents may be served by first class mail or electronically. R.67-211. Regulation 67-211 specifically provides that service made by mail is deemed complete upon mailing, unless the form is returned, at which time it must be served pursuant to the South Carolina Rules of Civil Procedure. It does not provide additional time before the time period begins to run in which an opposing party must take a specified action after receipt of service. Regulation 67-211 is silent as to when service is deemed complete when service is made electronically.

Likewise, Regulation 67-213 specifically provides when service is deemed complete for parties served by first class mail and certified mail, but is silent as to when service is deemed complete when service is made electronically. Because of this silence in the regulations, opposing positions could be advocated.

One position would be that the Commission's regulations provide for additional time after certain kinds of service and, had the Commission wished to provide additional time after the date of sending before electronic service was deemed complete, it would have expressly done so. This position can be supported by looking to the places where the Commission's regulations do specifically provide for the date service is deemed complete. When a claimant is represented and serves a request for hearing on opposing parties via first class mail, Regulation 67-211(A) specifically provides that "[s]ervice is deemed complete upon mailing unless the form is returned." In Regulation 67-213(2) the Commission specifically provides five additional days before service is deemed complete for service made by first class mail. No such extension is provided for electronic service. This could be interpreted as evidence that the Commission intended for service to occur at the time it was completed unless otherwise specifically provided. If this is so, then electronic service would be deemed completed at the time it is successfully sent for the purposes of determining the specified time in which a party may or must take affirmative action.

A contrary position could be advocated that electronic service is a substitution for service by mail and therefore should be subject to the five days of additional time provision provided for in Regulation 67-213(2). This argument is supported by the fact that the Federal Rules of Civil Procedure provide the same amount of additional time before service is deemed complete for service made electronically as they do for service made by mailing it to the person's last known address. Fed R. Civ. P. 6(d).¹

¹ Rule 6(d) provides three days of additional time when service is made by mailing it to the person's last known address [Rule 5(b)(2)(C)], leaving it with the clerk of court if the person has no known address [Rule 5(b)(2)(D)], sending it by electronic means [Rule 5(b)(2)(E)], and delivering it by means consented to by the party in writing [Rule 5(b)(2)(F)].