

**A G E N D A**

**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION**

1333 Main Street, 5<sup>th</sup> Floor  
Columbia, South Carolina 29201

**December 12, 2016 – 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.*

1. CALL TO ORDER *CHAIRMAN BECK*
2. APPROVAL OF AGENDA OF BUSINESS MEETING  
OF DECEMBER 12, 2016 *CHAIRMAN BECK*
3. APPROVAL OF MINUTES OF THE BUSINESS MEETING  
OF NOVEMBER 14, 2016 (Tab 1) *CHAIRMAN BECK*
4. GENERAL ANNOUNCEMENTS *MR. CANNON*
5. APPLICATIONS FOR APPROVAL TO SELF-INSURE (Tab 2) *MR. SMITH*
6. DEPARTMENT DIRECTORS' REPORTS *MS. ALEXA STUART*
  - Human Resources (Tab 3) *MS. SPRANG*
  - Information Services (Tab 4) *MR. DUCOTE*
  - Insurance and Medical Services (Tab 5) *MS. SPANN*
  - Claims (Tab 6) *MS. BRACY*
  - Judicial (Tab 7)
7. EXECUTIVE DIRECTOR'S REPORT (Tab 8) *MR. CANNON*
  - Administration – Financial Report (Tab 9) *Mr. Cannon*
8. OLD BUSINESS *CHAIRMAN BECK*
9. NEW BUSINESS *CHAIRMAN BECK*
  - A. 2017 Maximum Weekly Compensation Rate (Tab 10) *Mr. Cannon*
10. ADJOURNMENT *CHAIRMAN BECK*

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THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
BUSINESS MEETING  
November 14, 2016

A Business Meeting of the South Carolina Workers' Compensation Commission was held in Hearing Room A of the Workers' Compensation Commission on Monday, November 14, 2016, 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, CHAIRMAN  
SUSAN S. BARDEN, VICE CHAIR  
R. MICHAEL CAMPBELL, II, COMMISSIONER  
MELODY L. JAMES, COMMISSIONER  
GENE MCCASKILL, COMMISSIONER  
AISHA TAYLOR, COMMISSIONER  
AVERY B. WILKERSON, JR., COMMISSIONER

Present also were: Gary Cannon, Executive Director; Bryan Berthelette, Compliance Officer; Amy Bracy, Judicial Director; Wayne Ducote, Insurance and Medical Services Director; Loretta Dykes, Fiscal Analyst; Keith Roberts, Attorney; W.C. Smith, Self-Insurance Director; Sonji Spann, Claims Director; Sandee Sprang, IT Director; and Alexa Stuart, Human Resources Manager. Bonnie Anzelmo, Injured Workers' Advocates, was also present.

Chairman Beck called the meeting to order at 10:37 a.m.

**AGENDA**

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

**APPROVAL OF MINUTES – BUSINESS MEETING OF OCTOBER 17, 2016**

Commissioner Barden moved that the minutes of the Business Meeting of October 17, 2016 be approved. Commissioner Taylor seconded the motion, and the motion was approved.

**GENERAL ANNOUNCEMENTS**

Gary Cannon, Executive Director, announced the three hours required ethics and APA training for the Commissioners and their Administrative Assistants is scheduled for today from 1:00 –5:00 p.m. in the first floor conference room. This year's training includes an additional hour on substance abuse.

**APPLICATIONS FOR APPROVAL TO SELF-INSURE**

Self-insurance applications were presented by W.C. Smith, Self-Insurance Director. Fifteen (15) prospective members of three (3) funds were presented to the Commission for approval. The applications were:

**Palmetto Timber Fund**  
Norris Logging

### **SC Home Builders SIF**

Cesar Does It, LLC  
Heritage Custom Builders  
Jet Construction, Inc.  
Kendrick Construction, LLC  
LDS Heating & Cooling, LLC  
Oasis Custom Homes, Inc.  
Palmetto Palms, LLC  
Reymar Matos Painting  
RG Properties, LLC  
RM Buck Builders, Inc.  
Rush Builders, LLC  
Tim Prince  
Top Dog Outdoor Services, Inc.

### **SC McDonalds Operators SIF**

Dream Big Restaurants, 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 James 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.

#### **Information Technology Department**

Sandee Sprang presented the Information Services Department's report. Ms. Sprang pointed out the following highlights from the report:

- The project to upgrade the hardware and software to a virtualized environment is currently on hold.
- New trading partners were added to the system and will begin submitting EDI transactions once the testing is complete.
- New reports were moved into production. IT continues to review and refine the business processes associated with data entry to ensure reports are as complete and accurate as possible.
- Mr. Jason Pitkey was selected for the IT Consultant I position. He began his employment with the Agency on November 2, 2016.
- Ms. Elizabeth Schinke was selected for the IT Business Analyst III position. She will begin her employment with the Agency on November 16, 2016.
- Applications were reviewed for the IT Business Analyst I position. A reposting for the position was posted on November 10, 2016.
- New wireless network access points have been ordered.
- Received quotes for new laptop specifications.

## **Insurance and Medical Services Department**

Wayne Ducote presented the Insurance and Medical Services Department's report. Mr. Ducote pointed out the following highlights from the report:

- Year to date, the Compliance Division has compelled 81 employers to come into compliance with the Act. Approximately 753 previously uninsured workers are now properly covered.
- In October the Compliance Division collected \$35,339 in fines and penalties.
- Twenty-One out of Twenty-Seven Carrier Rule to Show Cause Hearings were resolved and \$16,392 was recovered.
- In October the Coverage Division received 1,994 claim files and collected \$24,900 in fine revenue.
- The Self-Insurance Division collected \$74,073 in self-insurance tax.

Mr. Ducote reported that the meeting with representatives from the Virginia Workers' Compensation Commission was postponed due to scheduling conflict and will be rescheduled during the first week in December.

## **Claims Department**

Sonji Spann presented the Claims Department's report. Ms. Spann reported the following for the month of October 2016:

- Closed 1,966 individual case files
- Received \$46,500 in fine revenue
- Claims examiners reviewed 2,757 individual case files – production was down due to the office being closed for three days as a result of Hurricane Matthew
- 251 fines assessed
- 234 Form 18 fines assessed
- 11,437 forms processed
- 1,162 Form 18s processed through SROI
- 1,939 Form 18s received via Email
- 1,295 Forms received via USPS
- 782 Form 61s received
- 736 Form 61s approved
- 32 Third Party Settlements received
- 35 Third Party Settlements approved

Ms. Spann announced that Mary Bost's last day with the Agency is Tuesday, November 15, 2016. She is retiring after 35 years of service. Deborah Backmon will process the Form 61s.

## **Judicial Department**

Amy Bracy presented the Judicial Department's report. She reported the following for the month of October 2016:

### Judicial Department

- 869 requests for Hearings
- 117 Motions
- 124 Clincher Conference requests sent to Jurisdictional Commissioners

### Commissioners

- 86 Single Commissioner Hearings conducted
- 8 Full Commission Hearings conducted

- 458 Orders served at single Commissioner level; 56 of those were Decision and Orders that resulted from hearings that went on record; 75 of those were Motion Orders ruled upon by Commissioners

#### Informal Conference

- 284 informal conferences conducted

#### Mediation

- 61 regulatory mediations scheduled
- 18 requested mediations
- 53 matters resolved in mediation with the receipt of Forms 70

Ms. Bracy reported that she visited multiple locations in the Florence area which resulted in two additional hearing venue locations.

### 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 the report:

- Due to Hurricane Matthew, the 2016 Open Enrollment period was extended until November 15, 2016.
- He introduced Ms. Alexa Stuart. Ms. Stuart began her employment with the Commission on October 31, 2016 filling the Human Resources Manager I position.
- A final walk-through and review of the construction punch list with the building contractor was conducted on October 13. The relocation of the last phase of the construction was completed on November 8.

### ADMINISTRATION – FINANCIAL REPORT

Mr. Cannon reported the benchmark for period ending October 31, 2016 is 33%. The Commission's expenditures for the General Appropriations Fund are at 31%; the Earmarked Fund revenue is at 17%; the Earmarked Fund Expenditures is at 23% of budget.

### OLD BUSINESS

#### **A. Approval of Language of Proposed Regulations**

Keith Roberts, Staff Attorney, presented a recommendation to approve the language of the draft proposed regulations to Chapter 67. If approved, the proposed regulations will be published in the November 25, 2016 issue of the *State Register*. The deadline to receive comments for Public Hearing is December 26, 2016. A Public Hearing on the proposed regulations is scheduled for January 5, 2017 at 10:30 a.m. in Hearing Room A.

#### **Motion to Approve the Proposed Regulations, Chapter 67**

Following discussion, Commissioner Barden moved to approve the Proposed Regulations, Chapter 67 for publication in the November 25, 2016 issue of the *State Register*. Commissioner Campbell seconded the motion. The vote was taken, and the motion was unanimously approved.

Commissioner McCaskill expressed gratitude to Mr. Roberts and Commissioner Barden for their work on the proposed regulations. The other Commissioners concurred.

### NEW BUSINESS

There was no new business.

**ADJOURNMENT**

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

The November 14, 2016 meeting of the South Carolina Workers' Compensation Commission adjourned at 10:55 a.m.

Reported December 12, 2016  
Kim Ballentine  
Office of the Executive Director

<p style="text-align: center;"><b>SCWCC Human Resources Monthly Report</b> <b>November 14, 2016 – December 12, 2016</b></p>
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**GENERAL SUMMARY**

This period was one of training, learning, and assessment. A review of policies, procedures, processes, and systems has begun and will continue. I became familiar with the staff, agency, and the culture of the agency in an effort to better understand the needs of all and to provide quality HR and facility related support.

**STAFFING**

SCWCC currently has 52 FTEs, two temporary employees, and one part-time contract employee.

- **New Hires:** One – Unpaid IT intern started 11/28/16.
- **Separations:** None.
- **Retirements:** One employee retired on 11/16/16 after 35 years of service.
- **Leaves:** Two; one is a FMLA & Workers' Compensation leave that started on 11/18/16 and the other is a regular FMLA that started on 12/9/16.
- **Recruitment:** Two open positions.  
*Attorney I* – Posted on 11/10/16 and closed on 12/1/16. We received 15 applications. Applications have been reviewed and interviews will be scheduled.  
*Business Analyst I* – Reposted on 11/10/16 and closed on 12/1/16. We received an additional 26 applications for a total of 46 applications. We are in the process of identifying those best qualified for the position and have interviewed one internal candidate. Additional interviews to be scheduled.
- **On-boarding and New Employee Orientations:** Held employee orientations for two new employees.

**EMPLOYEE RELATIONS**

- All Employee Meeting – December 8, 2016
- Holiday Luncheon – December 12, 2016
- Sent emails to all employees about on-sight vendors (i.e. Books are Fun) and the building Christmas breakfast arranged by CBRE as well as employee discounts offered by the SC Museum.
- Became a member of the SCWCC Social Committee and met to discuss upcoming holiday luncheon. Another employee volunteered to participate, making it a four member committee.
- Provided information and significant support to an employee who will be retiring at year-end.
- Counseled four employees regarding HR related issues/concerns.
- Met with three managers regarding employee-related issues.



## **BENEFITS**

- Finalized open enrollment.
- Sent emails to all employees regarding benefits and PEBA.
- Held supplemental benefit options meetings on 12/6/16 and 12/7/16.
- Researched and answered numerous questions from employees about benefits.

## **TRAINING**

- Met with DSHR consultant for HR Survival Training.
- Met with SCEIS program manager for individual training and support on several occasions. I will continue to receive support until I receive training for SCEIS in 2017.
- Attended the SCWCC Annual Education Requirement Workshop on 11/14/16. The Ethics Act of 1991 and Taking Action: Recognizing and Responding to Depression, Suicide, and Substance Abuse in the Legal Profession were the topics.
- Began creating three process manuals (PEBA, SCEIS, Agency/HR) for use as a quick reference.
- Identified and started online training. Completed the online Ethics Course. This will be an ongoing process.
- Started researching opportunities for HR, SCEIS, and PEBA training scheduled for 2017.
- Attended Agency Leadership Meeting on 12/6/16 that was presented by The South Carolina Department of Administration.

## **WORKERS' COMPENSATION ACTIVE STAFF CLAIMS**

- One employee had a minor injury, was treated, released and missed minimal work time.
- One active employee is out on leave for surgery.
- Received notification that one employee has received approval for an upcoming surgery but surgery date has not been set.

## **ADMINISTRATIVE**

- Located and prepared work space and parking for two State auditors. Pulled 28 employee files for their review as requested.
- Processed changes for identified position reclassification and realignment to include documentation to reflect changes in duties, responsibilities, and wages.
- Participated in a meeting with representatives from the Workers' Compensation Commission Commonwealth of Virginia.

## **FISCAL RESPONSIBILITIES**

- Processed/approved 17 travel expense reports.

## **RENOVATIONS**

- Assisted in removal of SCWCC items from vacated space.
- Assisted in research and purchase of furniture.
- Met with outside vendor to fix 10 cubicles for ingress/egress issues. Completion is scheduled by mid-January.

## **FACILITIES**

- Removed and returned Coke machine from vacated space.
- Relocated soft drink and snack machine to the employee break room. Called vendor for maintenance as needed.
- Notified CBRE of leak in parking garage, problems with ladies' restroom, and requested an adjustment to a door for better closure. Also, requested new and replacement access cards for new employees, contractors, and auditors.

# State of South Carolina

1333 Main St, Suite 500  
P.O. Box 1715  
Columbia, S.C. 29202-1715



Tel: (803) 737-5700  
Fax: (803) 737-1258  
www.wcc.sc.gov

## Workers' Compensation Commission

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To: Gary Cannon  
SCWCC Executive Director  
From: Sandee Sprang, IT Director  
Date: December 13, 2016  
Subject: IT Department December 2016 Full Commission Report

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This report summarizes the activities and accomplishments of departmental projects and initiatives for the IT department during November 2016. The first section, "Systems Operation, Maintenance and Support", details the work related to keeping our current production systems up and running. The second section, "Projects, Enhancements and Development", highlights the activities related to new projects and tasks which bring added functionality to our systems. The last section documents the IT Department's "Training and Meeting" accomplishments.

### I. Systems Operations, Maintenance and Support

#### Virtualization

Duane continues to lead the effort with DTO to upgrade our hardware and software to a virtual environment. With new staff on board, Duane will be able to dedicate more time to this project in January.

#### EDI

The IT department worked with EDI trading partners to research and resolve EDI transaction data errors. We have added several new trading partners submitting EDI transactions via SFTP. We had two extractions of Coverage data for FOIA requests and a new annual Coverage subscription completed. We continue to work with the IAIABC EDI Claims Workgroup, reviewing and recommending standard changes.

#### Systems Support

The majority of our time as a department was spent working on the Unity client upgrade. Our Progress application configuration was modified to support Office 2013, ending our reliance on the 2010 version for which support will soon end. Duane researched and corrected multiple Invoice, Payment and Deposit issues. Several end users computers had hardware failures requiring replacement.

#### Desktop Support

Helpdesk and support issues are receiving very prompt attention with Jason in charge of this area. His accomplishments include:

- Completed physical inventory on all current IT assets in preparation for next device refresh.
- Began asset surplus process to make room for new devices and dispose of existing legacy, out of support or non-functioning hardware.
- Began discussions with DTO for the use of a helpdesk/service ticketing solution.
- Began discussions with DTO for the use of an asset management/inventory tracking solution.
- Updated real-time assignment information for all Verizon mobile devices.
- Began documentation processes for all processes related to Helpdesk and Break/Fix solutions.
- Brought a USC IT major intern on board for a work-study program.
- Working to gain access to tools and utilities to better manage our IT needs and usage, including SolarWinds, Active Directory, privileged account for admin functions, etc.

### Staffing

We are currently interviewing for the Business Analyst I position.

## **II. Projects, Enhancements and Development**

### eCase

The eCase web portal upgrade is in the testing phase. All internal testing is complete and we are ready to open testing to several external users. We are 90% complete with this project.

### Office Renovations

The last project milestone related to this project is to complete the cable testing and certification for existing data drops.

### Hardware Upgrades

We have several hardware upgrade projects in process:

- 1) The new wireless network should be in place sometime in January.
- 2) NWN is the vendor of choice for our new VoIP telephone system. We are in the process of procuring the hardware and software needed for the system upgrade.
- 3) The final quotes are in for the new laptop specifications and will proceed with ordering in the near future.
- 4) The printer study project is in the initial phase of evaluation and over the next several months we will be evaluating the use and related cost of current print environment.

## **III. Trainings and Meetings**

Sandee participated in the DTO Privacy workshop. Liz spent the majority of her time working in various departments throughout the agency learning how the WCC business operates. She will be attending formal OnBase training classes over the course of the next several months.

State of South Carolina



Workers' Compensation Commission

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**To:** Mr. Gary Cannon  
SCWCC Executive Director

**From:** Wayne Ducote, Jr.  
IMS Director

**Date:** 7-Dec-16

**Subj:** Insurance and Medical Services Department  
November 2016 Full Commission Report

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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:

- |                     |                                                                                                                                                                                                                                                                                                                         |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compliance Division | <ol style="list-style-type: none"><li>1. Reviewing revenue metrics / projections.</li><li>2. Working with staff to review workflow processes and additional training opportunities.</li><li>3. Working on systematic processes to improve the equitability of the compliance fines and penalties assessments.</li></ol> |
| Coverage Division   | <ol style="list-style-type: none"><li>1. Working with staff to review workflow processes and explore opportunities to enhance service provision.</li><li>2. Lapse in Coverage: 29 new registrants; 0 notifications sent.</li></ol>                                                                                      |
| Medical Services    | <ol style="list-style-type: none"><li>1. No additional pharmaceutical payment disputes involving SAF were received in the month of November.</li></ol>                                                                                                                                                                  |

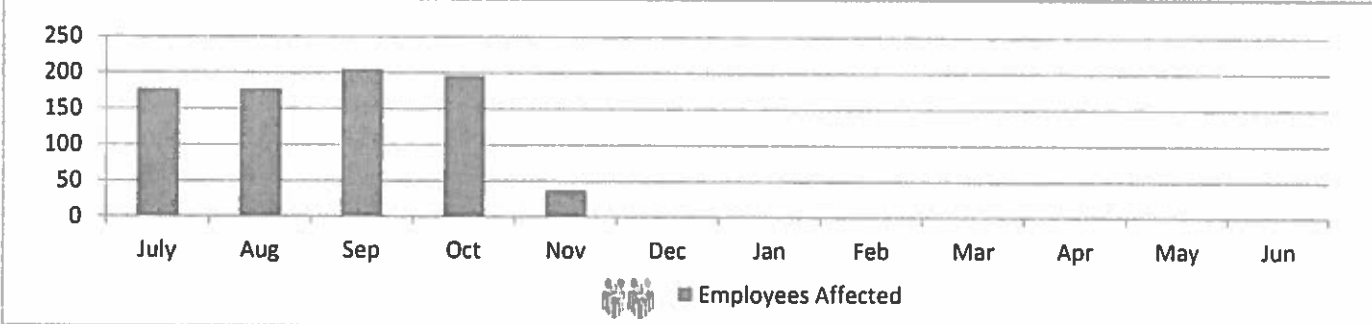
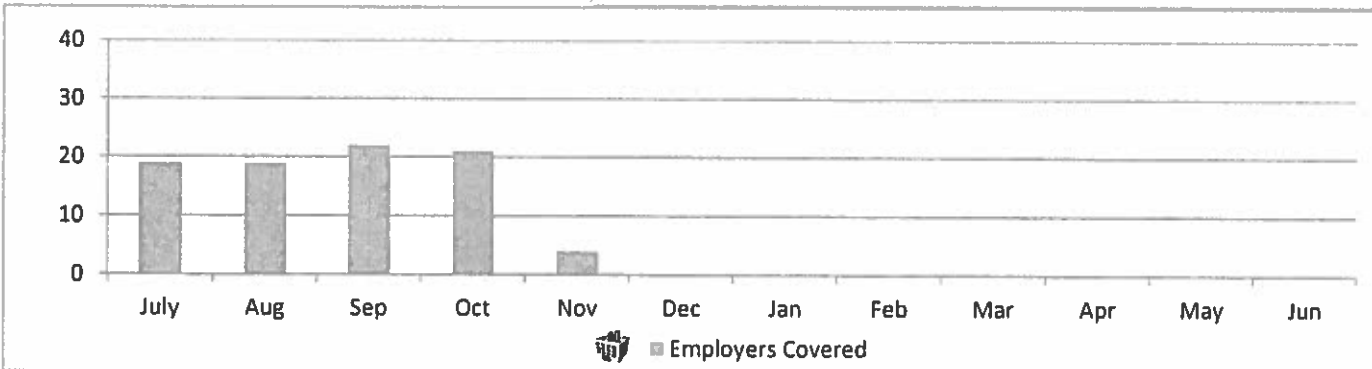
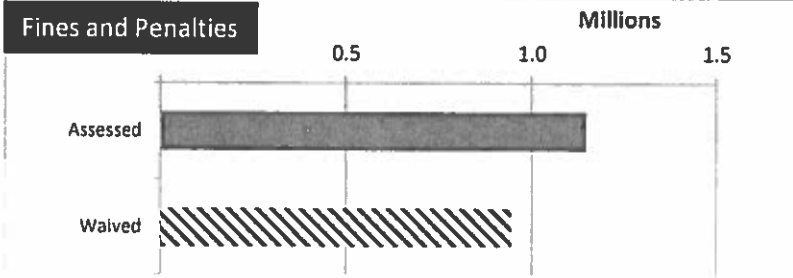
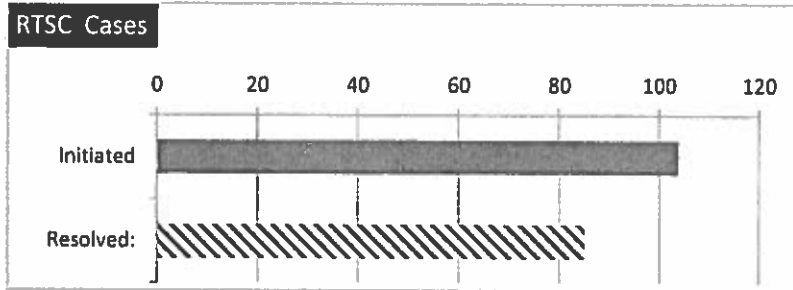
While this summary is in no way all-inclusive, it may serve to assist you and our Commissioners in understanding the key initiatives underway in the IMS Department and provide measures by which the Department's effectiveness can be gauged. IMS welcomes any guidance that you and/or our Commissioners can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

**Employers Obtaining Coverage**

The Compliance Division works with great diligence to help uninsured employers become compliant with the South Carolina Workers' Compensation Act. Year to date, the Compliance Division has compelled 85 employers in South Carolina to come into compliance with the Act. In so doing, approximately 791 previously uninsured workers are now properly covered.

**Penalties Waived**

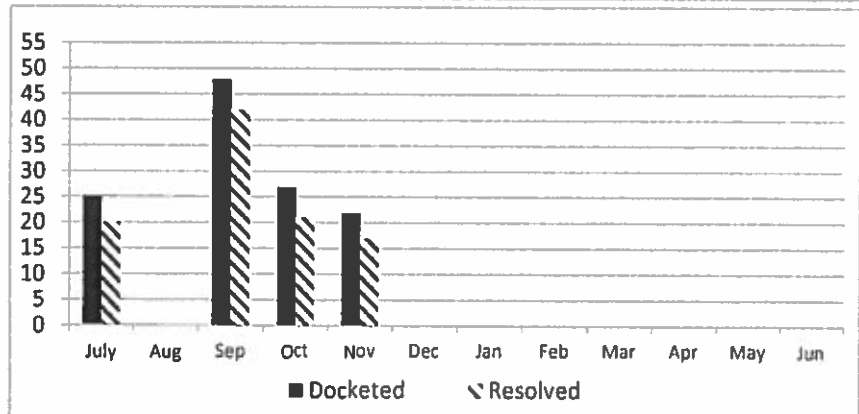
Although the Division has assessed \$1.1 m in fines, 82% of those fines (\$942k) have been waived or rescinded as employers have either obtained insurance coverage or were found not to be subject to the Act.



**Carrier Rule to Show Cause Hearings**

The Compliance Division manages the Rule to Show Cause process involving the recovery of outstanding carrier fines and penalties. In the month of Nov 2016, 22 carrier RTSC cases were docketed; 17 cases were resolved and \$11,029 was recovered.

Year to date, 122 carrier RTSC cases have been docketed, 100 cases have resolved and \$63,009 has been recovered.



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of Nov 2015.

**Cases Resolved:**

For the month of Nov 2016, Compliance Division staff closed-out 162 cases.

**Compliance Fines:**

In Nov 2016, the Compliance Division collected \$23,193 in fines and penalties. Year to Date, the Compliance Division has collected \$204,750 in fines.

Year to Date vs Prior Year Total (\$902,128): 22%.

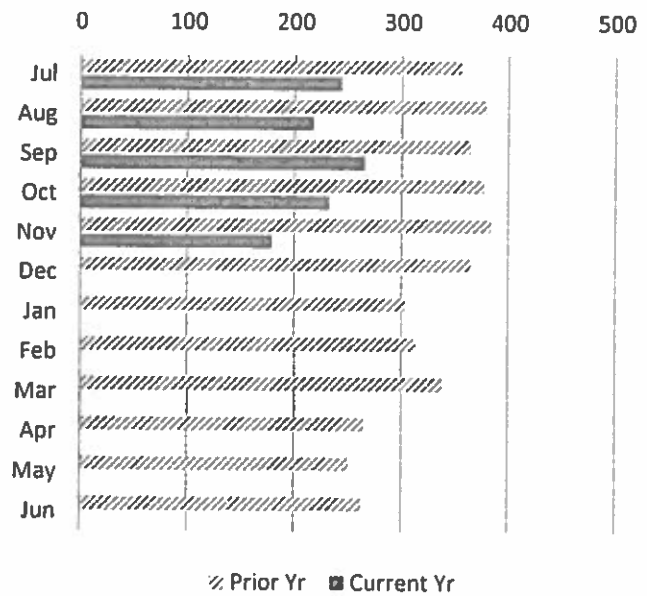
Nov 2016 vs. Nov 2015: 34%

Current Year End trend is 55% of 2015-2016.

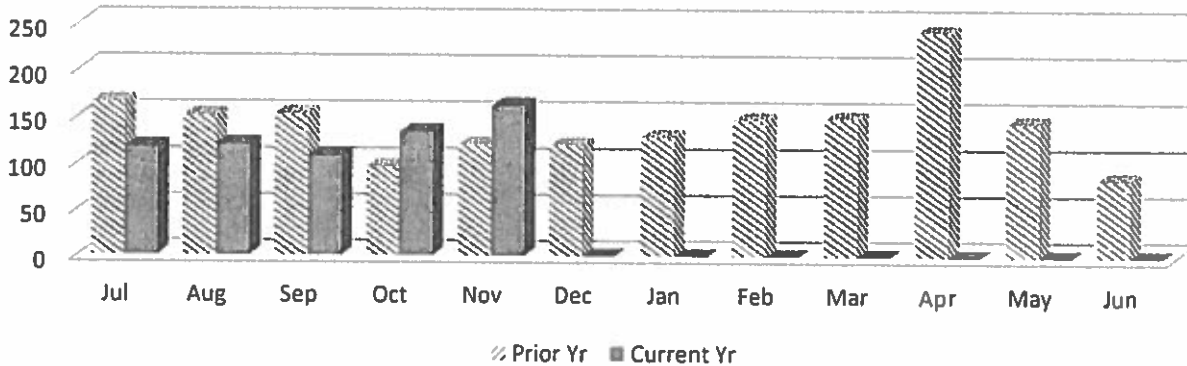
YTD 2016-17 (July - July) vs YTD 2015-2016: 43%

cases : close

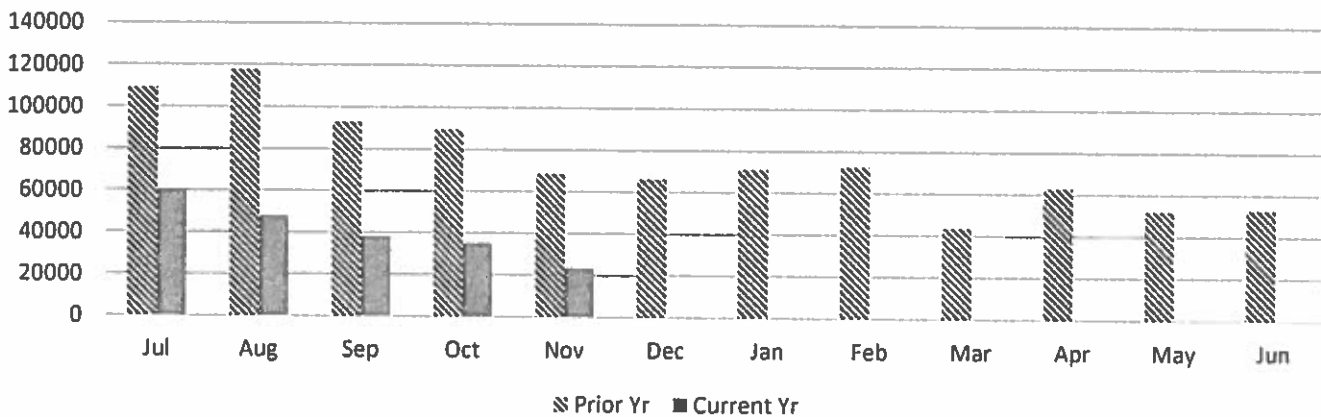
**Caseload Pending v. Prior Year**



**Cases Resolved v. Prior Year**



**Compliance Fines Collected v. Prior Year**

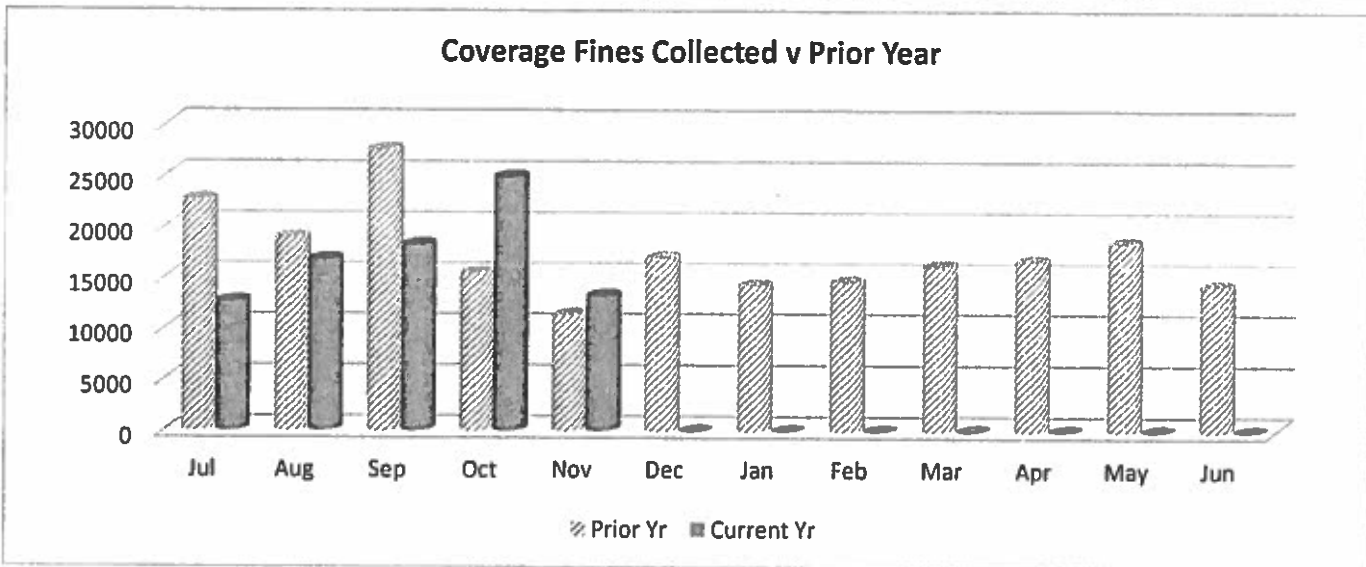
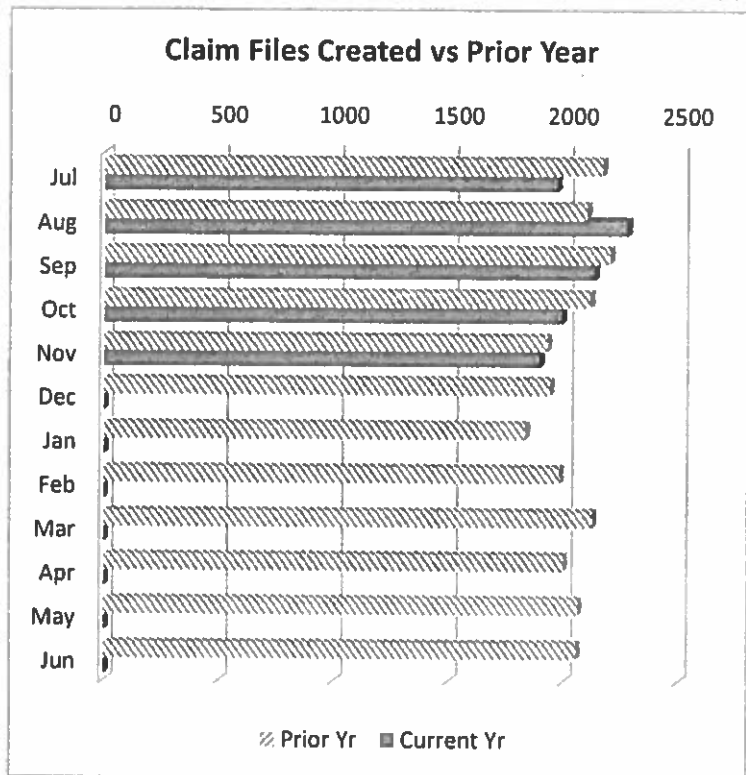


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174 were created through proper carrier filing of a 12A, and 174 were generated as a result of a Form 50 claim filing. Year to Date, 10,268 Claim files have been created which is 42% of claim file volume prior year (24,516).

**Coverage Fines:**

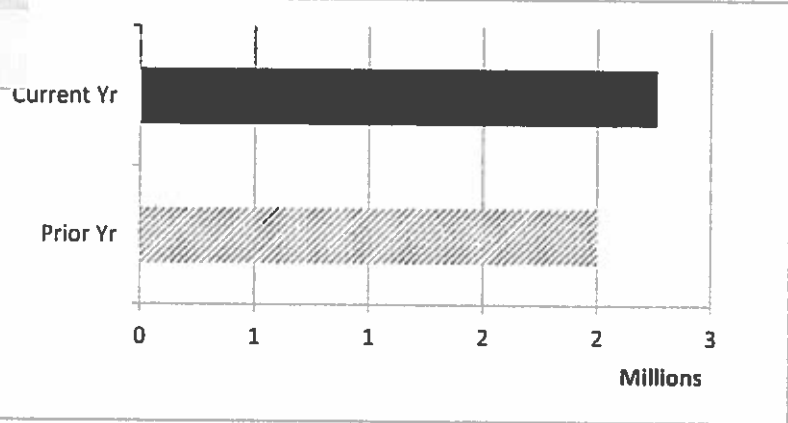
The Coverage Division collected \$13,200 in fine revenue in Nov 2016, as compared to \$11,300 in Coverage fines/penalties accrued during Nov 2015. Year on Year, Coverage fines are at 41% of collections for prior year.



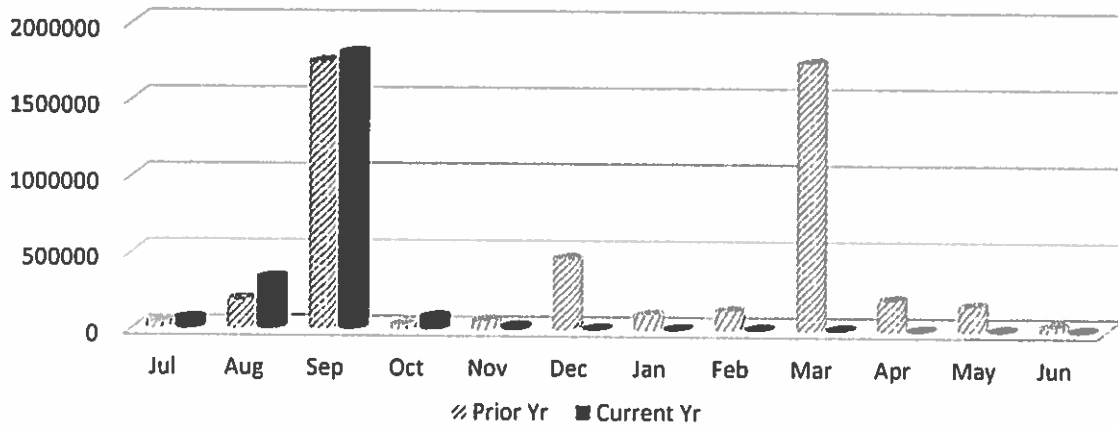


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\* collected \$14,898 in self-insurance tax.  
 \* added 15 new self-insurers.  
 \* conducted 3 Self Insurance audits.  
 Year to Date, Self Insurance tax revenue is trending at 110% of prior year and 19 Self Insurance audits have been completed.



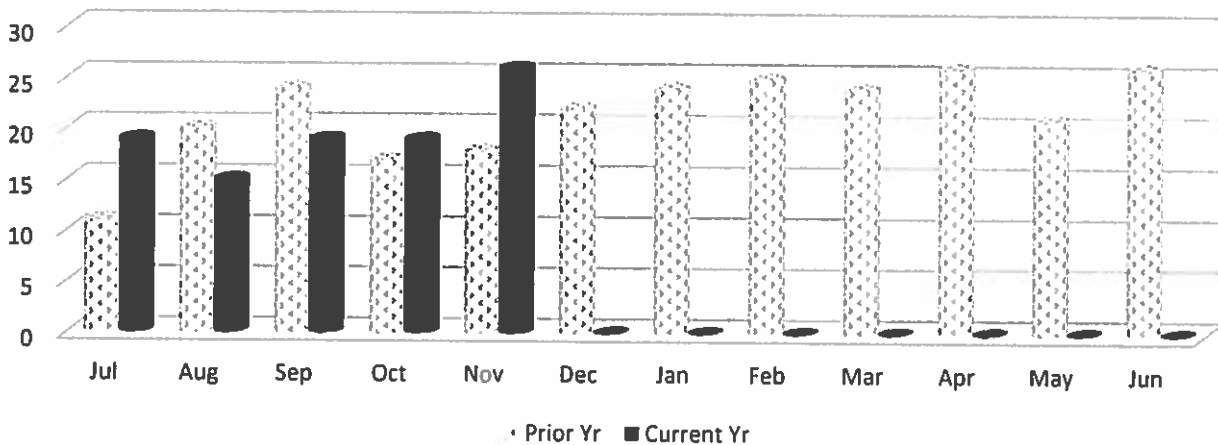
**Self Insurance Tax Collections v. Prior Year**



**IMS MEDICAL SERVICES DIVISION**

In Nov 2016, the Medical Services Division began the month with 19 bills pending review, received an additional 24 bills for review, conducted 17 bill reviews and ended the month with 26 bills pending.

**Medical Bills Pending Review v. Prior Year**



# State of South Carolina

1333 Main Street, 5<sup>th</sup> Floor  
P.O. Box 1715  
Columbia, S.C. 29202-1715



TEL: (803) 737-5700  
www.wcc.sc.gov

## Workers' Compensation Commission

### MEMORANDUM

To: Gary Cannon, Executive Director

From: Sonji Spann, Claims Director

Date: December 6, 2016

Re: Claims Department – December 2016 Full Commission Report

Please find attached information provided to summarize key workflow benchmarks related to the functions of the Claims Department. In addition to the statistical data provided herein, please note the following information:

	Nov 2016	Oct 2016	Nov 2015
Individual Case Files Closed	2,229	1,966	2069
Fine Revenue Collected	\$31,200	\$46,500	\$34,200
# of individual case files reviewed by examiners	3,860	2,757	462
Total Fines	254	251	268
Form 18 Fines	227	234	263
Total Forms Processed	11,785	11,437	11,600
SROI	1,193	1,162	824
Email 18's	2,024	1,939	1,223
USPS	1,322	1,295	2,303
Form 61's Rec'd	680	782	
Form 61's Approved	681	736	
TPY Settlements Rec'd	30	32	
TPY Settlements Approved	20	35	

- Claims continue to review files for compliance and closure
- Claims continue to educate the stakeholders

Five Year Claims Fine Collection History												
FY 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017												
	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
2011-2012	111,875	103,800	83,300	81,300	85,100	110,700	126,700	120,225	116,915	100,200	61,050	90,450
2012-2013	80,825	69,100	57,075	91,925	64,825	65,950	60,550	79,875	67,000	56,650	47,550	48,500
2013-2014	42,350	21,900	35,050	110,350	57,425	50,900	27,000	38,550	73,100	45,350	52,550	31,200
2014-2015	43,300	42,100	51,650	55,100	44,750	49,900	44,700	77,100	90,200	52,250	74,750	124,800
2015-2016	69,250	53,350	56,200	42,800	34,200	39,800	41,400	48,250	55,400	55,700	53,800	49,400
2016-2017	40,450	38,600	39,300	46,500	31,200							



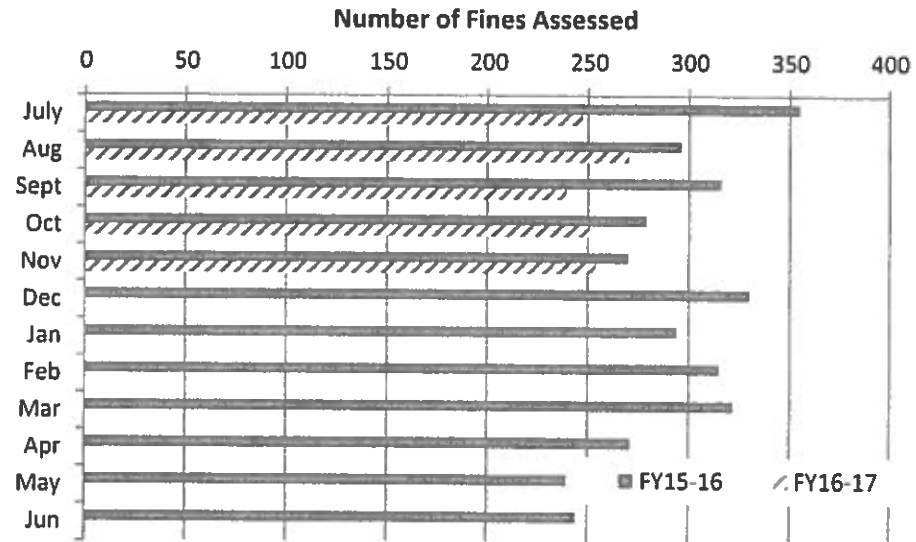




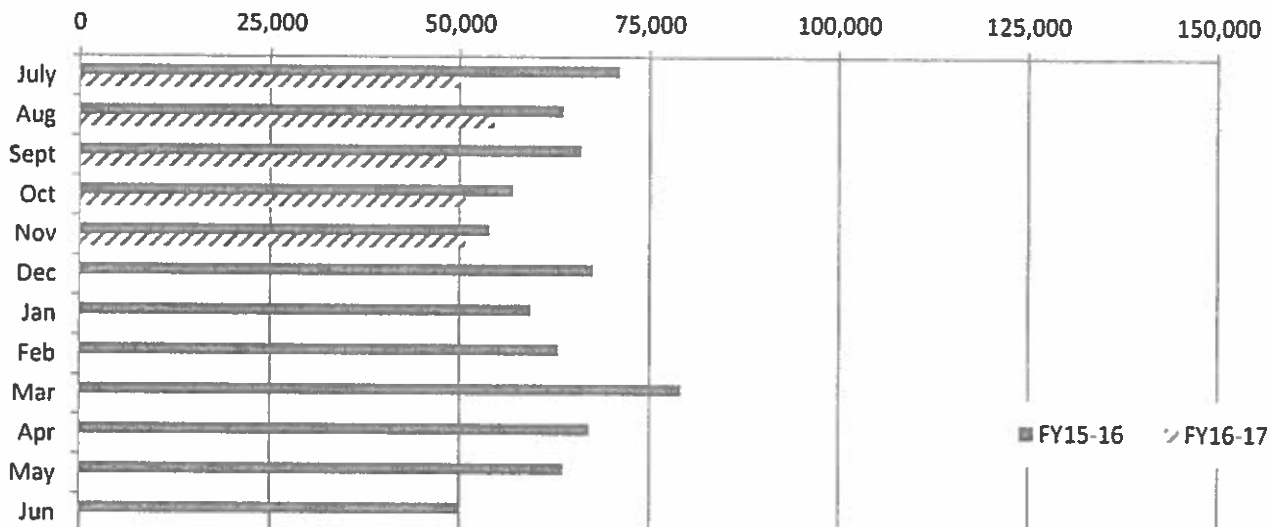
**CLAIMS DEPARTMENT - Fine Activity Report November 2016**

The number of fines assessed by the Claims Department increased in number to 254 from 251 in November. The number of Claims fines paid decreased from 229 in October to 156 in November.

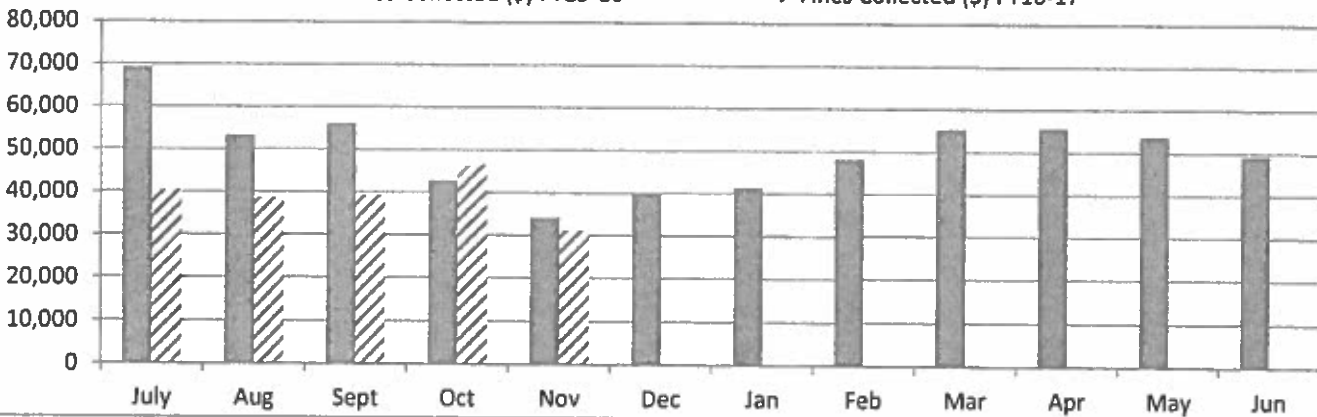
Total fine dollars assessed in November was \$50,800 the same amount in the prior month. Fine revenue received in November was \$31,200 a decrease over prior month \$46,500.



**Net Fines Assessed (\$)**



**Fines Collected (\$)**



Claims Department - Fine Activity Report

Fines Assessed (#)

	FY15-16	FY16-17
July	355	247
Aug	296	270
Sept	316	239
Oct	279	251
Nov	270	254
Dec	330	0
Jan	294	0
Feb	315	0
Mar	322	0
Apr	271	0
May	316	0
Jun	244	0
<b>Total</b>	<b>3,608</b>	<b>1,261</b>
<b>Mo Avg</b>	<b>301</b>	<b>252</b>

Fines Received (#)

	FY15-16	FY16-17
July	341	198
Aug	260	186
Sept	271	196
Oct	203	229
Nov	168	156
Dec	195	0
Jan	205	0
Feb	241	0
Mar	273	0
Apr	245	0
May	247	0
Jun	236	0
<b>Total</b>	<b>2,885</b>	<b>965</b>
<b>Mo Avg</b>	<b>240</b>	<b>193</b>

Net Fines Assessed (\$)\*

	FY15-16	FY16-17
July	71,050	50,000
Aug	63,600	54,600
Sept	66,000	48,200
Oct	57,000	50,800
Nov	54,000	50,800
Dec	67,600	0
Jan	59,400	0
Feb	63,000	0
Mar	79,200	0
Apr	67,050	0
May	63,600	0
Jun	49,800	0
<b>Total</b>	<b>761,300</b>	<b>254,400</b>
<b>Mo Avg</b>	<b>63,442</b>	<b>50,880</b>

Fines Collected (\$)

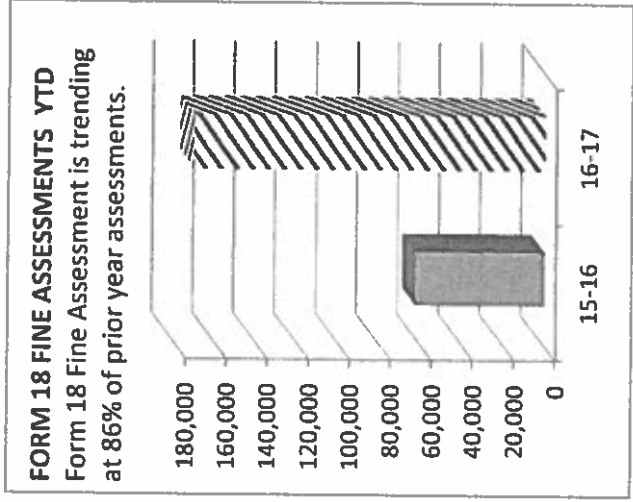
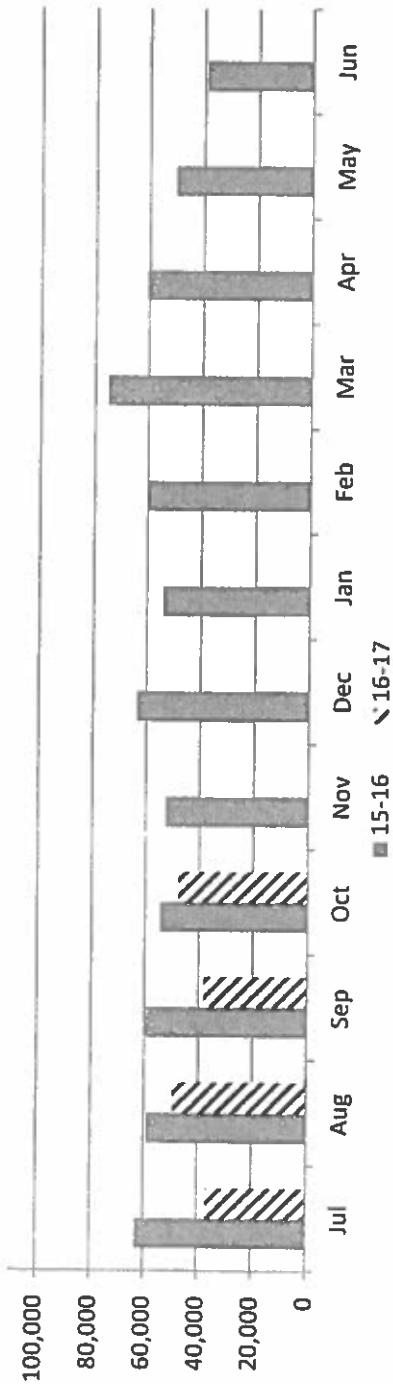
	FY15-16	FY16-17
July	69,250	40,450
Aug	53,350	38,600
Sept	56,200	39,300
Oct	42,800	46,500
Nov	34,200	31,200
Dec	39,800	0
Jan	41,400	0
Feb	48,250	0
Mar	55,400	0
Apr	55,700	0
May	53,800	0
Jun	49,400	0
<b>Total</b>	<b>599,550</b>	<b>196,050</b>
<b>Mo Avg</b>	<b>49,963</b>	<b>39,210</b>

\*after reductions and rescinded



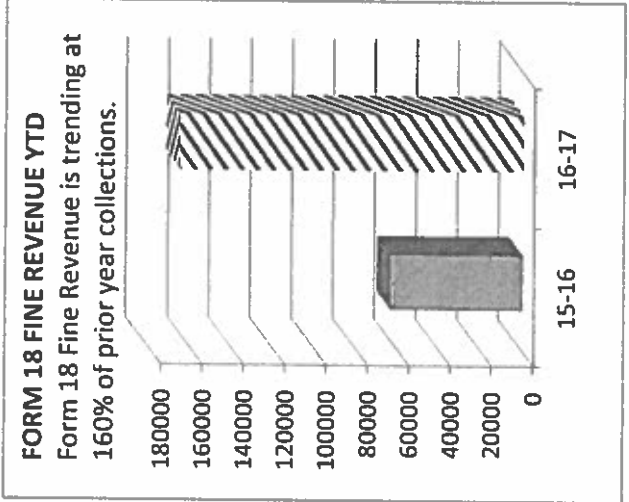
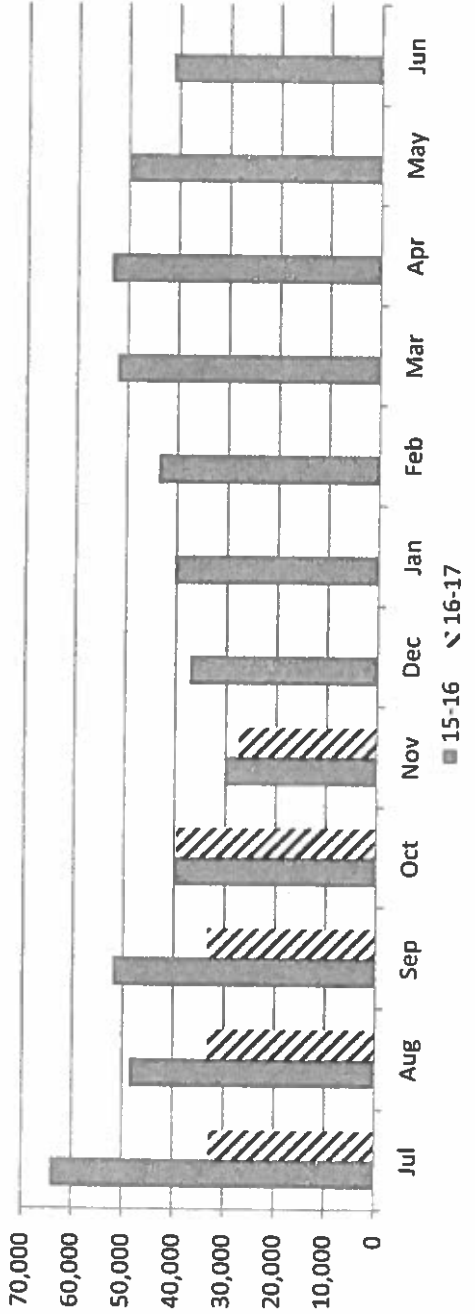
### FORM 18 FINE ASSESSMENTS

Consistent with overall Commission strategy, the Claims Department works with our Carrier partners to develop approaches that result in increased compliance levels and reduced Fine related costs to businesses in South Carolina. A key "success measure" of this effort is the Form 18 Fine Assessment report. For the month of November 2016, this has resulted in an decrease in Form 18 Fine Assessments to \$45,400 as compared to October 2016 of \$47,400. The actual number of fines assessed decreased from 234 to 227 in November 2016..



### FORM 18 FINE COLLECTION

In November 2016, the Claims Department received payment on Form 18 Fines resulting in revenue of \$27,400..



State of South Carolina

1333 Main Street  
P.O. Box 1715  
Columbia, S.C. 29202-1715



Tel: (803) 737-5700  
Fax: (803) 737-5768  
www.wcc.sc.gov

**Workers' Compensation Commission**

December 7, 2016

**To:** Gary M. Cannon  
Executive Director

**From:** Amy A. Bracy  
Judicial Director

**RE:** **Monthly Judicial Report for November 2016**

During the month of November, Judicial processed seven hundred seventy-six (776) requests for hearings, one hundred four (104) Motions and one hundred thirteen (113) clincher conference requests that were sent to the Jurisdictional Commissioners.

There were seventy-four (74) Single Commissioner Hearings conducted during the past month, and nine (9) Full Commission hearings were held. A total of four hundred forty-nine (449) Orders were served at the single Commissioner level, sixty-one (61) of those were Decision and Orders that resulted from hearings that went on the record and ninety-three (93) were Motion Orders that were a result of Motions ruled upon by Commissioners.

The Informal Conference system conducted one hundred sixty-seven (167) hearings during the last month. Of those, six (6) were not approved and will be set for a hearing.

There were sixty-nine (69) regulatory mediations scheduled and twenty-four (24) requested mediations. The Judicial Department was notified of fifty-two (52) matters resolved in mediation, with the receipt of Forms 70.

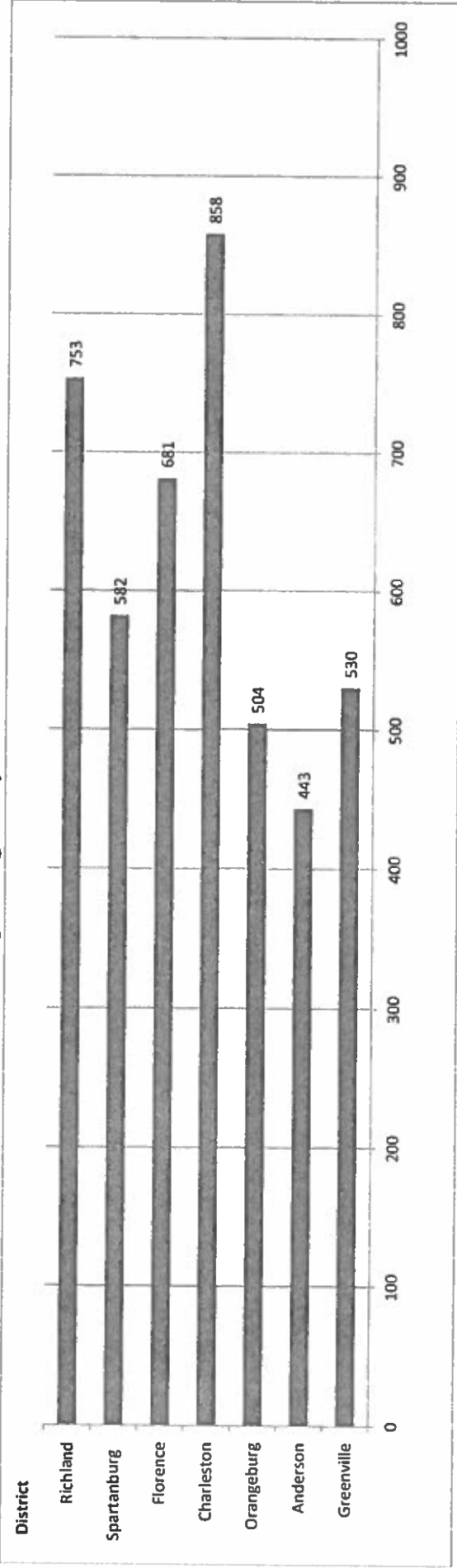
We continue to reach out to cities and counties for additional venues and to address the issues some are having with our conducting hearings in their facilities.



### Pleadings Assigned - Three Year Comparison by Month

	District 1 Greenville			District 2 Anderson			District 3 Orangeburg			District 4 Charleston			District 5 Florence			District 6 Spartanburg			District 7 Richland		
	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15
Jul	98	107	103	82	90	92	108	118	119	158	181	140	131	144	145	92	130	116	149	166	141
Aug	92	110	86	97	76	96	93	109	120	176	171	153	164	122	146	115	122	104	157	138	164
Sep	144	102	105	92	88	84	121	132	105	183	198	155	140	154	126	142	110	70	141	167	124
Oct	104	106	83	74	101	78	93	119	115	172	172	143	115	171	146	119	96	112	142	170	156
Nov	92	72	80	98	62	56	89	88	93	169	145	115	131	133	135	114	81	80	164	129	127
Dec		101	99		105	86		103	108		160	133		148	119		99	85		162	146
Jan		75	109		84	80		113	120		113	163		110	158		97	108		158	174
Feb		90	98		88	86		84	92		125	141		129	110		144	111		117	114
Mar		122	112		124	91		134	132		214	156		140	118		117	122		174	140
Apr		100	99		92	87		93	97		154	165		129	120		90	88		138	149
May		106	101		103	73		116	105		186	158		146	140		111	101		150	158
Jun		120	89		75	66		110	102		141	143		151	147		114	117		150	139
<b>Totals</b>	<b>530</b>	<b>1211</b>	<b>1164</b>	<b>443</b>	<b>1088</b>	<b>975</b>	<b>504</b>	<b>1319</b>	<b>1308</b>	<b>858</b>	<b>1960</b>	<b>1765</b>	<b>681</b>	<b>1677</b>	<b>1610</b>	<b>582</b>	<b>1311</b>	<b>1214</b>	<b>753</b>	<b>1819</b>	<b>1732</b>

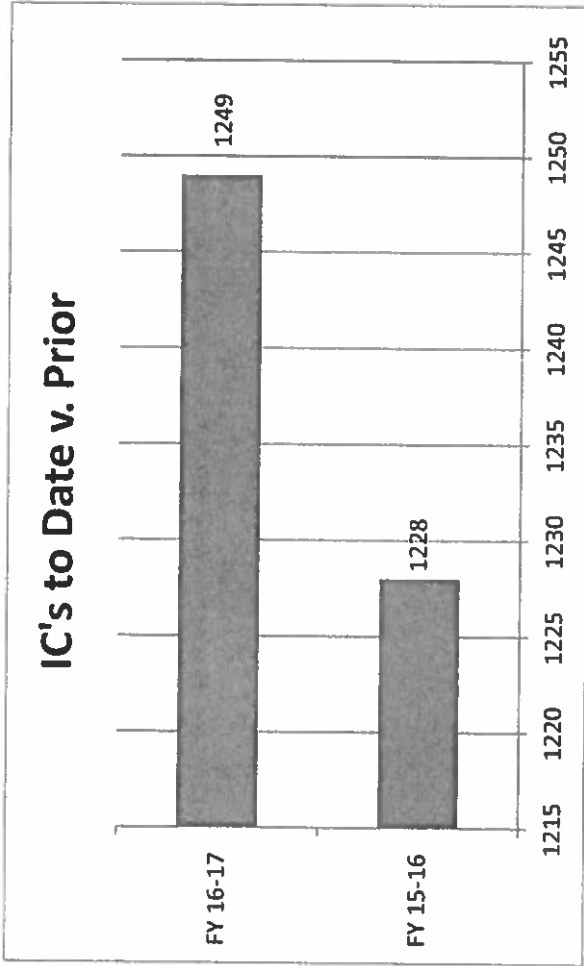
**Pleadings Assigned by District Year to Date**



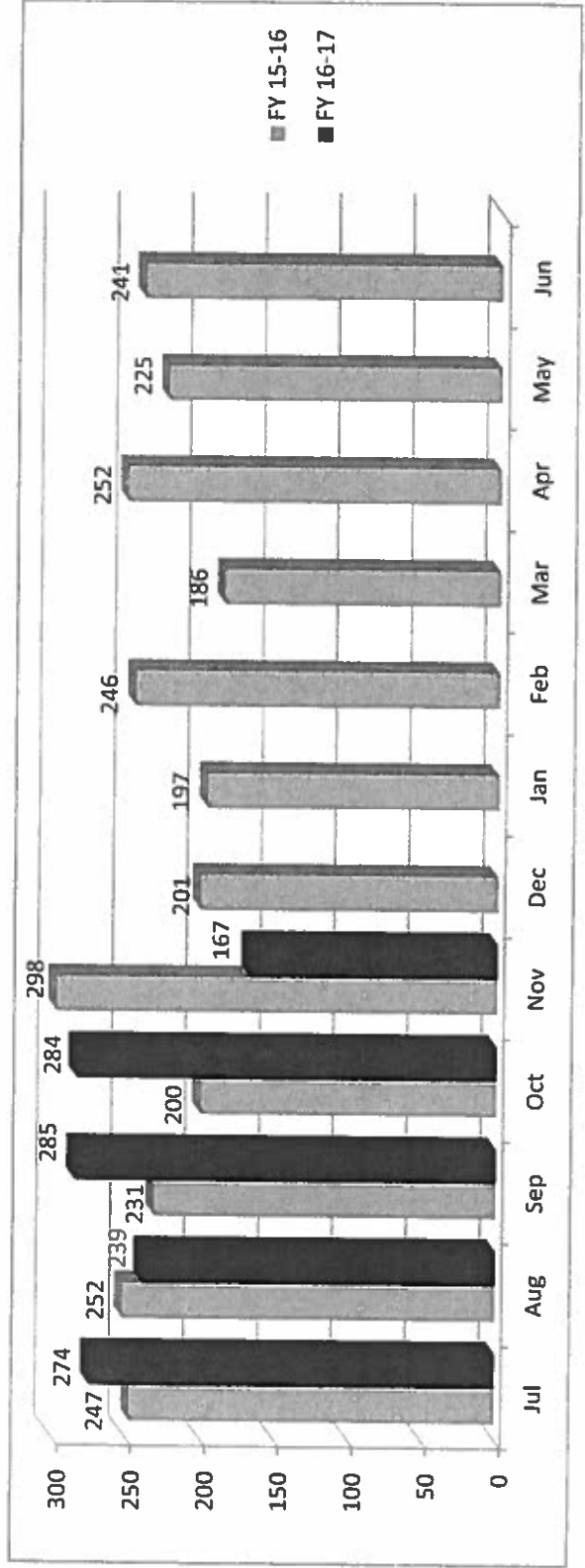
**Informal Conf. Conducted**

	FY 15-16	FY 16-17
Jul	247	274
Aug	252	239
Sep	231	285
Oct	200	284
Nov	298	167
Dec	201	
Jan	197	
Feb	246	
Mar	186	
Apr	252	
May	225	
Jun	241	
<b>Total</b>	<b>2776</b>	<b>1249</b>

**IC's to Date v. Prior**

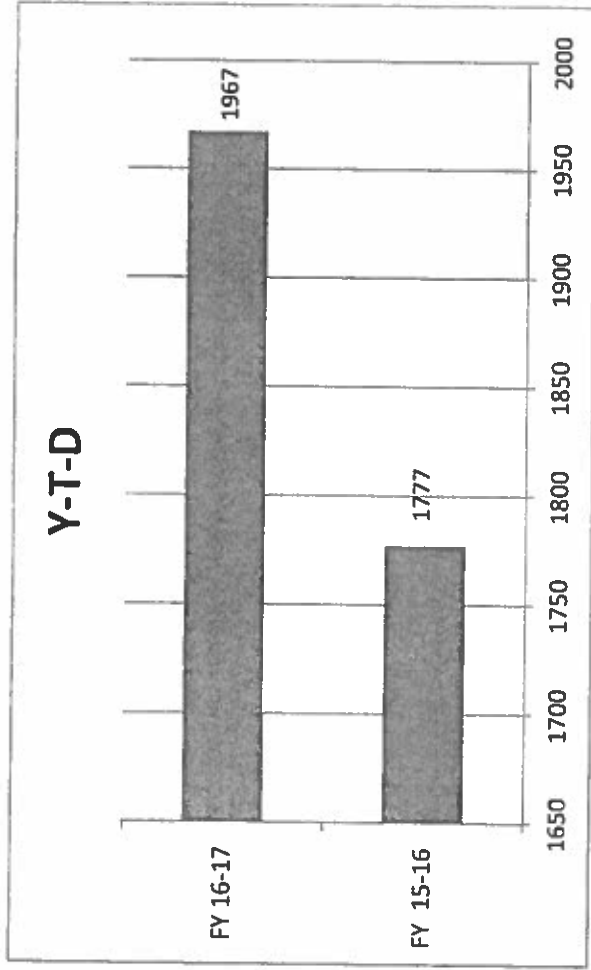


Y-T-D	FY 15-16	FY 16-17
	1228	1249

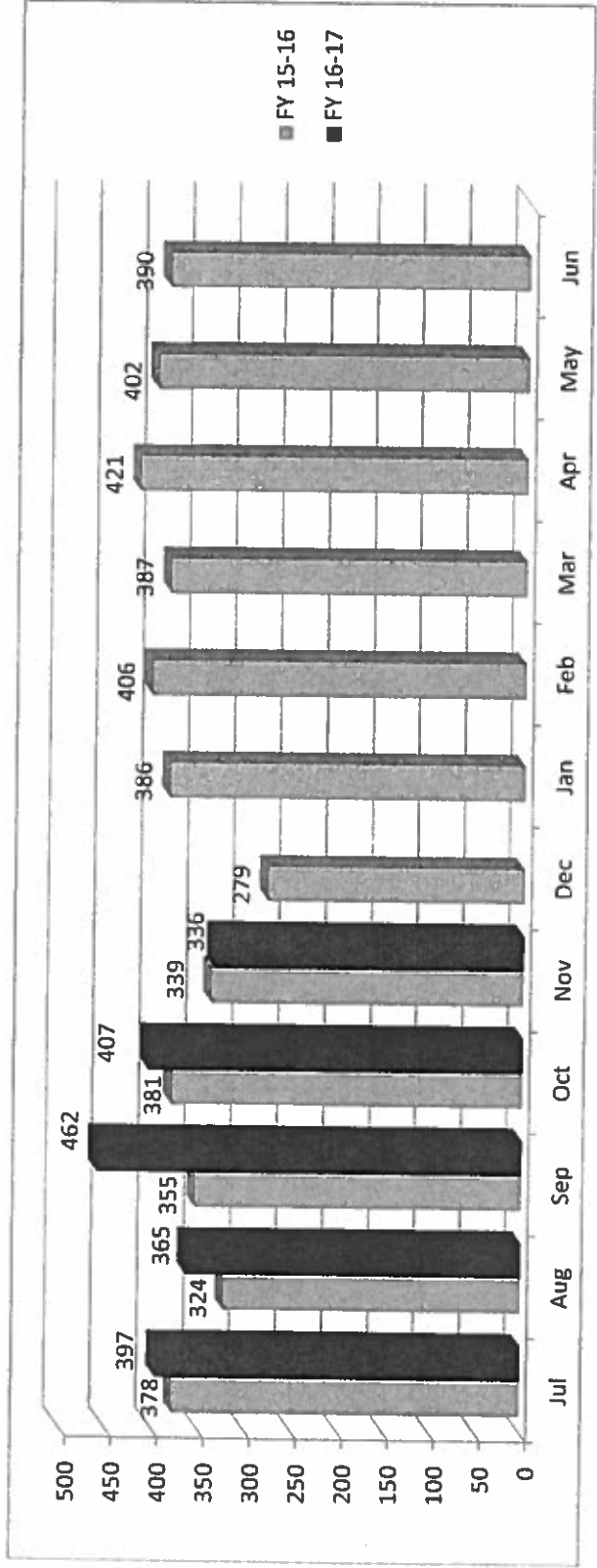


**Informal Conf. Requested**

	FY 15-16	FY 16-17
Jul	378	397
Aug	324	365
Sep	355	462
Oct	381	407
Nov	339	336
Dec	279	
Jan	386	
Feb	406	
Mar	387	
Apr	421	
May	402	
Jun	390	
<b>Total</b>	<b>4448</b>	<b>1967</b>



Y-T-D	FY 15-16	FY 16-17
Jul	378	397
Aug	324	365
Sep	355	462
Oct	381	407
Nov	339	336
Dec	279	
Jan	386	
Feb	406	
Mar	387	
Apr	421	
May	402	
Jun	390	
<b>Total</b>	<b>4448</b>	<b>1967</b>



# State of South Carolina

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P.O. Box 1715  
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## Workers' Compensation Commission

### Executive Director's Report Gary M. Cannon

December 8, 2016

#### Chapter 67 Proposed Regulations

The proposed regulations were published in the November 25, 2016 issue of the *State Register*. The Commission will conduct a public hearing on January 5, 2017 at 10:30 a.m. to receive comments on the proposed changes.

#### Meetings/Activities

The Executive Director participated in the following meetings/activities:

- November 15-18 – Attended the Southern Association of Workers' Compensation Administrators All Committee Conference
- November 22 – Participated in IAIABC Executive Committee Teleconference
- November 29 – Met with McWaters' representative to discuss furniture needs
- December 5 – Along with department heads, met with representatives from the Virginia Workers' Compensation Commission to discuss our business practices, Medical Fee Schedule, and process for handling medical bill disputes
- December 6 – Attended the first semiannual Agency Leadership Meeting hosted by the Department of Administration
- December 8 – Met with the Revenue and Fiscal Affairs Office to review changes in responding to Fiscal Impact Statements

#### Personnel

##### Attorney I

The position recruitment announcement closed on December 1, 2016. Applications are under review.

##### IT Business Analyst I

The position recruitment announcement closed on December 1, 2016. Applications are under review.

##### IT Internship

Darren Baily began his IT Internship on November 28. Mr. Baily will graduate this month from USC with a degree in Information Technology. The 100 hour internship is provided by the USC at no cost to the Commission

**State Auditors**

The State Auditors began their audit of the Commission's financial statements for fiscal year ended June 30, 2016 on November 30, 2016.

**Constituent /Public Information Services**

For the period November 10, 2016 through December 7, 2016 the Executive Director's Office and the General Counsel's office had 516 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 November 10, 2016 through December 7, 2016, we added four individuals to the distribution list. A total of 669 individuals currently receive notifications from the Commission.

**Employee Meetings**

An All Employee meeting was held on December 8, 2016. I met with Executive Staff on November 22, 2016. The annual Holiday Luncheon is scheduled for Monday, December 12, at 11:30 a.m.

**SC Vocational Rehabilitation Department (SCVRD)**

SCVRD reported 11 referrals for the month of November, and 47 referrals year to date.



*State of South Carolina*

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*Workers' Compensation Commission*

*MEMORANDUM*

**TO: COMMISSIONERS**

**FROM: Gary Cannon  
Executive Director**

**DATE: December 8, 2016**

**RE: FINANCIAL REPORT NOVEMBER 30, 2016**

Attached is the Financial Report for the five-month period ending November 30, 2016.

General Fund

Page 1 contains the information on the General Fund. To date, we have expended 40% of the budgeted expenditures. The Benchmark is 42%.

Earmarked Fund

Page 2 is the Balance Sheet for the Earmarked Fund. It reflects Actual Revenues collected at 19% of budget which is 23% below benchmark (42%). Total Expenditures are 29% of budget, which is 23% below Benchmark (42%). Because of the positive net income of \$612,782 I am not too concerned with the status of Earmarked Fund revenues and expenditures at this time. The decrease in actual revenues was anticipated due to the changes to allow filing of the Form 18 electronically. While this decrease is slightly more than anticipated at this time, staff will continue to monitor the revenues and expenditures and make the necessary adjustments in the coming months to ensure we complete the fiscal year with a balanced budget.

**SC Workers' Compensation Commission  
Financial Report  
Budget vs. Actual Expenditures  
FY2016-17  
Period Ending: November 30, 2016  
General Fund**

Fund Center Description	Fund	Commitment Items Description	Current Budget	Benchmark 42%	
				YTD Actual Expense	% of Budget
COMMISSIONERS	GENERAL FUND	CHAIRMAN	\$ 125,209	\$ 50,064	
		COMMISSIONER	\$ 720,924	\$ 302,489	
		TAXABLE SUBS		\$ 22,767	
		CLASSIFIED POS	\$ 324,037	\$ 137,741	
		TERMINAL LEAVE		\$ 17,412	
		BON SUPPLEMENT		\$ 13,800	
		EMPLOYER CONTRIB		\$ 165,170	
		Total		\$ 1,170,170	\$ 709,441
ADMINISTRATION	GENERAL FUND	DIRECTOR	\$ 102,130	\$ 42,554	
		CLASSIFIED POS	\$ 48,622	\$ 13,979	
		DUAL EMPLOYMENT		\$ 1,230	
		OTHER OPERATING	\$ 75,000		
		EMPLOYER CONTRIB		\$ 17,553	
Total		\$ 225,752	\$ 75,315	33%	
JUDICIAL	GENERAL FUND	CLASSIFIED POS	\$ 30,218		
Total			\$ 30,218		
CLAIMS SERVICES	GENERAL FUND	CLASSIFIED POS	\$ 79,733	\$ 32,911	
		BON SUPPLEMENT		\$ 1,800	
		EMPLOYER CONTRIB		\$ 10,025	
Total		\$ 79,733	\$ 44,736	56%	
MEDICAL SERVICES	GENERAL FUND	CLASSIFIED POSITIONS	\$ 27,498	\$ 11,457	
		EMPLOYER CONTRIB		\$ 7,868	
Total		\$ 27,498	\$ 19,325	70%	
		EMPLOYER CONTRIB	\$ 531,739		
Total			\$ 531,739		0%
		MISC OPS (Information Technology)	\$ 72,631		
Total			\$ 72,631		0%
Total			\$ -		
<b>Fund Total</b>			<b>\$ 2,137,741</b>	<b>\$ 848,817</b>	<b>40%</b>



**SC Workers' Compensation Commission**  
**Financial Report**  
**Budget vs. Actual Expenditures**  
**FY2016-17**  
**Period Ending: November 30, 2016**  
**Earmarked Fund**

Fund	Commitment Items Description	Program	Current Budget	Benchmark 0.42%	
				YTD Actual Expense	% of Budget
COMMISSIONERS	TAXABLE SUBS	COMMISSIONERS	\$ 70,000		
	OTHER OPERATING		\$ 230,700		
	DP SVCS-OTHER			\$ 780	
	FREIGHT EXPRESS DELV			\$ 54	
	TELEPHONE & TELEGRPH			\$ 1,722	
	CELLULAR PHONE SVCS			\$ 3,850	
	LEGAL SERVICES			\$ 19,227	
	LEGAL SERVICES			\$ 4,726	
	EDUC & TRNG-STATE			\$ 367	
	POSTAGE			\$ 1,749	
	RENT-OFFICE EQUIP			\$ 74	
	RENT-DATA PROC EQUIP			\$ 37	
	RENTAL-CONT RENT PMT			\$ 137	
	RENT-OTHER			\$ 120	
	INSURANCE-STATE			\$ 230	
	IN ST-MEALS-NON-REP			\$ 249	
	IN ST-LODGING			\$ 2,168	
	HR-IN ST-AIR TRANS			\$ 475	
	HR-IN ST-AUTO MILES			\$ 9,268	
	IN ST-MISC TR EXP			\$ 70	
	IN ST-SUBSIST ALLOW			\$ 4,257	
	OUT ST-REGISTR FEES			\$ 980	
	REPORTABLE MEALS			\$ 94	
	LEASED CAR-ST OWNED			\$ 3,947	
	INS WORKERS COMP	EMPLOYER CONTR		\$ 11,926	
	UNEMP COMP INSURANCE			\$ 171	
	<b>Total</b>		\$ 300,700	\$ 66,678	22%
ADMINISTRATION	CLASSIFIED POS	ADMINISTRATION	\$ 585,119	\$ 152,464	
	OTH PERS SVC		\$ 41,000		
	TERMINAL LEAVE			\$ 1,155	
	BON SUPPLEMENT			\$ 11,400	
	OTHER OPERATING		\$ 1,914,920		
	OFFICE EQUIP SERVICE			\$ -	
	PRINT / BIND / ADV			\$ 1,667	
	DP SVCS-OTHER			\$ 10,941	
	FREIGHT EXPRESS DELV			\$ 22,527	
	TELEPHONE & TELEGRPH			\$ 1,340	
	CELLULAR PHONE SVCS			\$ 2,059	
	LEGAL SERVICES			\$ 13,880	
	MOTOR VEH REP -WRECK			\$ 200	
	AUDIT ACCT FINANCE			\$ 121	
	OTHER PROFESS SVCS			\$ 825	
	OTHER CONTRACT SVCS			\$ 910	
	OFFICE SUPPLIES			\$ 11,449	
	POSTAGE			\$ 2,822	
	OTHER SUPPLIES			\$ 1,698	
	RENT-OFFICE EQUIP			\$ 2,568	
	RENT-COPYING EQUIP			\$ 636	
	RENT-DATA PROC EQUIP			\$ 30	

Fund	Commitment Items Description	Program	Current Budget	YTD Actual Expense	% of Budget
	RENTAL-CONT RENT PMT			\$ 674	
	RENT-OTHER			\$ 69,616	
	FEES AND FINES			\$ -	
	IN ST-MEALS-NON-REP			\$ 368	
	IN ST-LODGING			\$ 2,412	
	HR-IN ST AIR TRANS			\$ 289	
	HR-IN ST-AUTO MILES			\$ 1,637	
	IN ST-MISC TR EXP			\$ 35	
	LEASED CAR-ST OWNED			\$ 16,254	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 60,792	
Total			\$ 2,541,039	\$ 390,767	
EXECUTIVE DIRECTOR	TEMPORARY POSITIONS	ADMINISTRATION		\$ 14,906	
	OT & SHIFT DIFFERENT			\$ 394	
	CELLULAR PHONE SVCS			\$ 193	
	DUES & MEMBER FEES				
	IN ST-MEALS-NON-REP			\$ 347	
	IN ST-LODGING			\$ 836	
	OUT ST-REGISTR FEES			\$ 250	
	REPORTABLE MEALS			\$ 244	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 3,755	
Total				\$ 20,925	
INFORM. SERVICES	DP SVCS-OTHER	ADMINISTRATION		\$ 101,776	
	TELEPHONE & TELEGRPH			\$ 329	
	CELLULAR PHONE SVCS			\$ 1,094	
	LEGAL SERVICES			\$ 6,623	
	DATA PROCESS SUPP				
	RENT-COPYING EQUIP			\$ 7,711	
	RENT-DATA PROC EQUIP			\$ 23	
	RENTAL-CONT RENT PMT			\$ 398	
	DUES & MEMBER FEES	ADMINISTRATION		\$ 3,600	
Total				\$ 121,553	
Total	EMPLOYER CONTRIB	EMPLOYER CONTR	\$ 2,841,739	\$ 533,245	19%
CLAIMS SERVICES	CLASSIFIED POS	CLAIMS	\$ 272,010		
	CLASSIFIED POSITIONS			\$ 108,866	
	CLASSIFIED POSITIONS			\$ 21,559	
	BON SUPPLEMENT			\$ 4,800	
	OTH PERS SVC				
	TERMINAL LEAVE			\$ 204	
	OTHER OPERATING		\$ 19,700		
	TELEPHONE & TELEGRPH			\$ 1,280	
	CELLULAR PHONE SVCS			\$ 212	
	POSTAGE			\$ 2,998	
	RENT -COPYIING EQUIP			\$ 75	
	RENT-DATA PROC EQUIP			\$ 37	
	RENTAL-CONT RENT PMT			\$ 210	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 53,152	
Total			\$ 291,710	\$ 193,395	66%
MEDICAL SERVICES	CLASSIFIED POS	INS & MED SERVICES	\$ 445,000		
	CLASSIFIED POSITIONS			\$ 139,806	
	CLASSIFIED POSITIONS			\$ 58,985	
	OTH PERS SVC		\$ 22,881		
	TEMPORARY POSITIONS			\$ 5,809	
	BON SUPPLEMENT			\$ 10,800	
	LEGAL SERVICES			\$ 456	
	OTHER OPERATING		\$ 54,500		

Fund	Commitment Items Description	Program	Current Budget	YTD Actual Expense	% of Budget
	CELLULAR PHONE SVCS			\$ 98	
	CELLULAR PHONE SVCS			\$ 266	
	OTHER PROFESS SVCS			\$ 3,378	
	OTHER CONTRACT SVCS			\$ 890	
	POSTAGE			\$ 1,913	
	RENT-COPYING EQUIP			\$ 78	
	RENT-DATA PROC EQUIP			\$ 39	
	RENTAL-CONT RENT PMT			\$ 145	
	LEASED CAR-ST OWNED			\$ -	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 75,052	
Total				\$ 297,716	
COMPLIANCE	TELEPHONE & TELEGRPH	INS & MED SERVICES		\$ 1,329	
	EDUC & TRNG-STATE			\$ 249	
	OTHER PROFESS SVCS			\$ 3,015	
	INS UNEMPLY COMP			\$ 171	
				\$ 4,764	
Total			\$ 522,381	\$ 302,481	58%
JUDICIAL DOCKETING	CLASSIFIED POS	MANAGEMENT	\$ 292,779		
	CLASSIFIED POSITIONS			\$ 125,909	
	BON SUPPLEMENT			\$ 6,900	
	OTHER OPERATING		\$ 12,800		
	TELEPHONE & TELEGRPH			\$ 794	
	CELLULAR PHONE SVCS			\$ 212	
	POSTAGE			\$ 2,517	
	RENT-COPYING EQUIP			\$ 78	
	RENT-DATA PROC EQUIP			\$ 39	
	RENTAL-CONT RENT PMT			\$ 146	
	HR-IN ST-AUTO MILES			\$ 210	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 50,543	
Total				\$ 187,348	
JUDICIAL ASSESSMENT	CLASSIFIED POSITIONS	MANAGEMENT		\$ 15,323	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 6,444	
				\$ 21,767	
Total			\$ 305,579	\$ 209,115	68%
	EMPLOYER CONTRIB	EMPLOYER CONTR	\$ 607,999		
<b>Fund Total</b>			<b>\$ 4,569,408</b>	<b>\$ 1,304,914</b>	<b>29%</b>

P.O. Box 995  
1550 Gadsden Street  
Columbia, SC 29202  
dew.sc.gov



Nikki R. Haley  
Governor  
Cheryl M. Stanton  
Executive Director

---

December 2, 2016

Mr. Gary Cannon  
Office of Executive Director  
Workers' Compensation Commission  
1333 Main Street  
Columbia, SC 29202-1715

Re: Average Weekly Wage


Dear Mr. Cannon,

This is in reference to your correspondence dated November 9, 2016, in which you requested the average weekly wage.

This letter certifies that the average weekly wage for July 1, 2015 through June 30, 2016 as computed under South Carolina Employment Security Law was \$806.92.

If you should have any questions or need any further information, please contact Brenda Lisbon, Business Intelligence Department Director, at 737-2813.

Sincerely,

  
Cheryl Stanton  
Executive Director

CMS/tcm

ES-8

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
\_\_\_\_\_ )

BEFORE THE SOUTH CAROLINA  
WORKERS' COMPENSATION  
COMMISSION

In Re: Average Weekly Wage  
Maximum Compensation Rate  
Effective January 1, 2017

The South Carolina Department of Employment and Workforce has certified the average weekly wage in South Carolina for the period of July 1, 2015 through June 30, 2016, was Eight Hundred Six Dollars and Ninety Two Cents (\$806.92). South Carolina Code Ann. Section 42-9-10, provides, in pertinent part, that "The injured employee may not be paid more each week than the average weekly wage in this State for the preceding fiscal year." Therefore, according to South Carolina Code Sections 42-1-50; 42-9-10; and 42-9-20, et seq. (Law. Co-op 1976), the maximum weekly compensation rate for injuries arising on and after January 1, 2017, shall be Eight Hundred Six Dollars and Ninety Two Cents (\$806.92).

AND IT IS SO ORDERED!

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T. Scott Beck, Chairman

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Susan S. Barden, Vice Chair

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Mike Campbell, Commissioner

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Melody L. James., Commissioner

\_\_\_\_\_  
Gene McCaskill, Commissioner

\_\_\_\_\_  
Aisha Taylor, Commissioner

\_\_\_\_\_  
Avery B. Wilkerson, Jr., Commissioner

In Chambers  
Columbia, South Carolina

\_\_\_\_\_  
Date