



South Carolina House of Representatives Legislative Oversight Committee

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June 29, 2023

VIA EMAIL: gcannon@wcc.sc.gov

Gary Cannon, Executive Director
South Carolina Workers’ Compensation Commission
1333 Main Street, Suite 500
Columbia, South Carolina 29201

RE: Follow-up from the June 6, 2023 Subcommittee Meeting

Director Cannon,

The Law Enforcement and Criminal and Civil Justice Subcommittee appreciates the South Carolina Workers’ Compensation Commission’s continued partnership in the oversight process. The Subcommittee requests the Commission provide written responses to questions pertinent to the study process. Please provide this information by Wednesday, July 12, 2023.

Please note that the Subcommittee cannot accept any confidential information that cannot be placed online. Additionally, all correspondence received from agencies who have been or are currently under study is sworn testimony.

Coverage and Compliance

1. Over 58,000 compensation claims were filed in fiscal year 2022. If coverage is located, a claim number is assigned. If no coverage is located, the claim is assigned to the Commission's Compliance Division.
 - How many claims were denied in FY22?
 - How many claims did the Commission assign to the Compliance Division in FY22 and how does that number compare to prior five fiscal years?
2. If the Commission determines an employer does not provide coverage, a fine is assessed.
 - Is the fine a fixed penalty or does it vary depending on the employer?
3. South Carolina does not have an official coverage exemption form.
 - Compared to other states, is the lack of a coverage exemption form unique to South Carolina?
 - Would the availability of a standard coverage exemption form benefit employers and the Commission?

Self-Insurance

4. Over the last ten years, how many self-insured employers have been unable to cover their claims?

Claims

5. The Claims Department issues roughly 3,600 fines annually to insurance carriers for failure to respond to requests for information. This results in \$731,000 in annual revenue. Is this amount turned over to the State, or is it utilized by the Commission?
6. If an employee files a claim for benefits and the employer does not contest the claim, how soon will the claimant begin receiving compensation benefits?
7. An employee files a claim and the claim is contested by the employer. The employee ultimately prevails, but only after an appeal to the appellate courts. Must all appeals be exhausted before the employee receives benefits? If so, assuming the employee prevails, is payment of those benefits retroactive to the date of the injury?
8. Are there circumstances whereby an employee who has been paid benefits is later found not entitled to those benefits? If so, is the employee liable for the amounts paid?

Judicial

9. What percentage of claimants appear before the Commission as *pro se* litigants? What resources are available to assist *pro se* litigants through the process?
10. How long have the current filing fees for various motions and requests been in effect? Are there circumstances under which claimant filing fees are be waived?
11. The Commission created the State's seven jurisdictional districts to evenly disburse the case load among the districts. In what year did the Commission create the current districts?
12. Over the last five years, of the cases decided a single commissioner, how many were decided in favor of the claimant? How many cases were decided in favor of the employer?
13. Over the last five years, of the single commissioner cases appealed to the Full Commission, how many single commissioner decisions did the Full Commission reverse? How many single commissioner cases did the Full Commission affirm?
14. Over the last five years, of the cases appealed to the Full Commission, how many resulted in a decision favorable to the claimant? How many resulted in a decision in favorable to the employer?
15. Over the last five years, how many Full Commission opinions were reversed by the appellate courts? How many of those reversals resulted in decisions favorable to the claimant? How many of those reversals resulted in decisions favorable to the employer?
16. What accounts for the 17% increase in appellate activity during FY22?

Human Resources

17. FY2022 saw a 20% turnover in employees. What accounts for this turnover rate?
18. As of FY2022, 25% of employees at the Commission are eligible to retire because of age or length of service. What marketing strategies does the Commission utilize to inform the general public of potential employment opportunities with the Commission?

Thank you and your team for your service to the people of South Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Wooten", is positioned above a light gray rectangular background.

Chris Wooten

cc: Law Enforcement and Criminal and Civil Justice Subcommittee