

The six Commissioners of the North Carolina Industrial Commission are the chief administrators and judges of the Commission. Guided by the Workers' Compensation Act, the Commissioners manage the Commission and help set its policies and procedures. The Commissioners also act as the final judges of all contested cases that go before the Commission. They play a very important role in the workers' compensation system.

The controversial Senate Bill 10, filed early in the current legislative session, included a provision that would clear all of the current Commissioners off of the Industrial Commission before their terms were due to expire. The ouster of the current Commissioners was admittedly political. The Republican legislators now in charge want Republican-appointed Commissioners.

The bill raised a lot of concerns for advocates of injured workers. Most importantly, wiping out all of the Commissioners would mean the loss of almost 50 years of experience on the Commission. Such a sudden and total 'brain drain' could cause significant problems with the administration of the Commission and leave newly appointed Commissioners with no one to ask about how the agency runs.

Candidly, another concern for representatives of injured workers is that an Industrial Commission comprised completely of new Republican appointees may be more supportive of business interests than of the interests of injured workers. We don't want to get too political on this blog. We understand that our clients have varied and strong political views, and we certainly respect those views. I consider myself an independent voter. But it is important to speak frankly about the politics behind this bill.

Senate Bill 10 died when House and Senate Republicans disagreed about various provisions and were unable to agree on a compromise. It appears, at least, that the dispute was over other provisions of the bill – such as the elimination of twelve superior court judges – and not over the Industrial Commission provision.

Now, a replacement bill – House Bill 1011, nicknamed 'Son of Senate Bill 10' by one legislator – has been filed. This new bill once again would clear all current Commissioners off the Industrial Commission. As explained above, we think this bill, as it relates to the Industrial Commission, is bad both for the Commission as an institution and for injured workers.

We will keep tabs on the House Bill 1011 and its progress through the General Assembly.

