



## PRIVATE AND PUBLIC EMPLOYERS

# Workers' Comp Reforms

*The following piece is an op-ed co-authored by the Kentucky Chamber of Commerce, Kentucky League of Cities, Kentucky School Board Association, and Kentucky Association of Counties.*

Private and public sector employers do not always agree on all issues, but when we do come together, progress is often made for our state. This was the case during this past session of the General Assembly when legislators from both sides of the aisle came together to pass reforms to Kentucky's workers' compensation system for the first time in over 20 years. Prior to these changes, all employers—both private and public, had been stuck with outdated statutes that did not take advantage of efficiencies and improvements that had been implemented in other states.

Our associations led the charge on this issue along with a broad coalition of employers from the public and private sectors, to bring about much-needed, practical changes to our workers' compensation system. The results of our collaborative effort are better protections

for all employees, improved care for injured workers, and greatly enhanced investments in vital public services by containing workers' compensation costs that were projected to rise without these reforms.

While the bill makes many improvements to the system, its passage was also critical because of what would have transpired had the legislation not been approved. Over the past few years, the Kentucky Supreme Court invalidated several long-standing workers' comp provisions, dealing a costly blow to every employer in the commonwealth—both private and public.

Not only will the legislation save Kentucky businesses from substantial increases in workers' comp costs, it will also save taxpayer dollars. In a time when the state and all local governments are continually trying to do more with less, it was imperative to respond to the unexpected legal rulings that would have led to significant cost increases to every city, county, and school district, at a time that our local communities could ill afford them.

**SEE WORKERS' COMP, PAGE 2**

# Business-Education Roundtable

## FOCUSES ON TRANSFORMING EDUCATION, WORKFORCE

When then-Chamber Board Chairman Wil James convened a group of business and education leaders in 2015, the foundation was established for a public-private initiative is focused on transforming Kentucky's education and workforce systems.

The Kentucky Business-Education Roundtable has spent the months since that initial meeting taking a close look at the challenges and opportunities the state faces in its efforts to improve education attainment levels and workforce preparation across the Commonwealth.

The Roundtable's 14 members are representatives from the private and public sectors. (James was an original member and served until his retirement as president of Toyota Motor Manufacturing, Kentucky, Inc.). They include business leaders from the manufacturing, health care, finance, construction and logistics

### Their goal:

To transform the state's education and workforce systems to ensure individual, community and statewide prosperity by preparing Kentuckians to become successful, productive and responsible citizens.

sectors; public sector leaders from K-12 and postsecondary education, workforce and economic development; and advocates.

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As the Roundtable focused on identifying challenges, they also recognized their shared interests and concerns. Learning more about what is already underway in Kentucky, what needs to be changed or improved, who would be responsible for the work, how accountability would be ensured and what resources would be required have all been the subject of detailed Roundtable discussions.

**SEE BUSINESS-EDUCATION ROUNDTABLE, PAGE 3**

## Workforce Center Tours 30 Cities

### TO TALK TALENT PIPELINE MANAGEMENT

The Kentucky Chamber Workforce Center hit the road this summer traveling across the state and raising awareness about a new workforce initiative on Kentucky's horizon: Talent Pipeline Management.

The tour included leading discussions in 30 communities across the Commonwealth and speaking to more than 1,100 business leaders, educators and workforce providers.

The presentations educated attendees on Kentucky's new Talent Pipeline System and how businesses, educators, and community leaders will effectively partner to begin bridging the talent and skill shortage across the state.



*Pictured Above: Beth Davison, Executive Director, Kentucky Chamber Workforce Center.*

**SEE WORKFORCE CENTER, PAGE 2**



The tour included speaking to more than 1,100 Kentucky business leaders, educators and workforce providers.

FROM THE FRONT

# Workforce Center

Talent Pipeline Management is a workforce strategy and tool that empowers businesses to create and manage talent supply chains through projecting talent needs and aligning those with education and workforce development systems. In partnership with the U.S. Chamber Foundation and Kentucky Workforce Investment Board, Kentucky has been selected as one of three states across the nation to lead a statewide TPM initiative. In the next two years, Kentucky's Talent Pipeline System will build stronger talent pools for 75 high-demand positions in Kentucky.

Efforts of the Kentucky Chamber Workforce Center are done with support from Strada Education Network, the founding partner of the Workforce Center.



Pictured Above: Josh Williams, Kentucky Talent Pipeline - System Leader on tour in Louisville, Kentucky.

## LEARN MORE

For more information or to get involved please contact, **Josh Williams** [jwilliams@kychamber.com](mailto:jwilliams@kychamber.com) or visit online at [kychamberworkforce.com](http://kychamberworkforce.com).



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FROM THE FRONT

# Workers' Comp

Coupled with the current fiscal challenges involving pension funding and state—budget cuts, if the aggressive judicial policy-making in the workers' compensation system had remained unaddressed by the General Assembly this session, cities and counties would have been forced to make deeper cuts to public safety and school boards would have been left with little choice but to decrease instructional spending. Cutting into the bone of local governments in this way has severe consequences on the quality of education of our children and the quality of life in our communities and works against our statewide goal of creating a more robust economic climate.

The common-sense change to clarify the cessation of indemnity benefits once a worker reaches a reasonable retirement age, will save taxpayers nearly millions alone in the next year. Balanced and reasonable legal reforms like this will help local governments make ends meet so that they can continue their critical investments in our children, public safety, infrastructure, curb abuse, and provide a fair system that protects our employees and quickly returns them to work whenever possible.

We commend the bill sponsor, Rep. Adam Koenig (R-Erlanger), for his tireless persistence in seeing this bill through the legislative process and Senate President Robert Stivers (R-Manchester) for his leadership in passing this bill in the Senate. Thank you to the General Assembly for taking action to help every employer in Kentucky—both public and private.



### UPCOMING: 28th Annual Kentucky Workers' Compensation Seminar

**October 4, 2018**  
Holiday Inn Louisville East – Hurstbourne | Louisville

**October 30, 2018**  
DoubleTree Suites by Hilton | Lexington

FROM THE FRONT

# Business-Education Roundtable

The Roundtable's report and recommendations – which the group anticipates will address the full continuum of education and workforce preparation – are now being developed; a fall release is anticipated.

The work also is expected to address statutory, administrative and regulatory changes that, in some cases, could take time to bring about. As a result, the Roundtable members envision a long-term commitment to transforming Kentucky's education and workforce systems to ensure sustained progress for the state.

The members of the Roundtable are:



**Dave Adkisson**  
PRESIDENT AND CEO  
Kentucky Chamber of Commerce,  
Frankfort



**Dr. Jay Box**  
PRESIDENT  
Kentucky Community & Technical  
College System, Versailles



**Garren Colvin**  
CEO  
ST. Elizabeth Healthcare, Edgewood



**Paul Costel**  
KENTUCKY PRESIDENT  
JPMorgan Chase Kentucky,  
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**Nick D'Andrea**  
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**Terry Gill**  
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**Mary Gwen Wheeler**  
EXECUTIVE DIRECTOR  
55,000 Degrees, Louisville



**Ted Abernathy**  
FACILITATOR  
Managing Partner, Economic  
Leadership LLC, Raleigh, NC



**Diana Taylor**  
CONSULTANT  
Taylor-Gray Associates, Frankfort

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Hilary Morgan  
(502) 848-8724  
hmorgan@kychamber.com  
[kychamber.com/membersavings](http://kychamber.com/membersavings)

## BUSINESS COMMUNITY FILES AMICUS BRIEF IN

# Supreme Court Hearing on Pension Reforms

In an amicus brief submitted to the Kentucky Supreme Court in a lawsuit over the pension reform legislation passed during the 2018 session, the Kentucky Chamber, Greater Louisville Inc., Commerce Lexington, and the Northern Kentucky Chamber of Commerce expressed their support for the pension reforms in Senate Bill 151 and the financial stability it would bring to the state in the coming years.

After its passage during the 2018 session and a signature by the governor, the pension reform law was challenged by Attorney General Andy Beshear and is currently waiting for a hearing in front of the Kentucky Supreme Court expected September 20.

"The consequences of failing to address this problem are nothing short of disastrous. Not only does pension spending compromise the state's ability to fully fund educational priorities, it adversely affects the Commonwealth's bond rating, leading to a fiscal vicious cycle, with higher interest on that debt further reducing the legislature's ability to spend on education and other priorities," the Chambers wrote in the brief.



## READ MORE

Get more details and read the full amicus brief at [kychamberbottomline.com](http://kychamberbottomline.com).



Kentucky Chamber

# 13th Annual BUSINESS ANNUAL SUMMIT MEETING

presented by  
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## Snap Shots

JULY 19-20  
OMNI HOTEL | LOUISVILLE



*Pictured Above: Sam Quinones, Journalist and Author of Dreamland, shares insights on the opioid crisis facing Kentucky and the nation*



*Pictured Above: Arthur Brooks, Keynote Speaker*



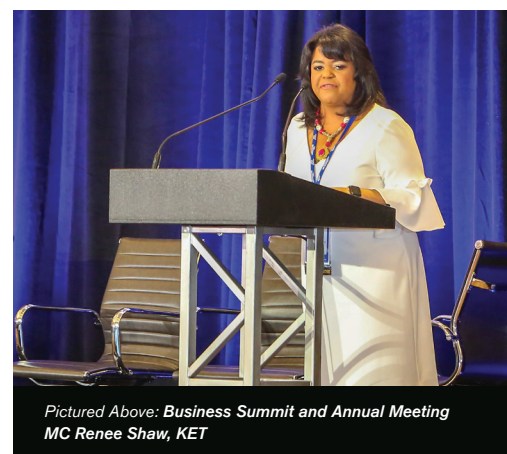
*Pictured Above: Dave Adkisson, President and CEO, Kentucky Chamber of Commerce*



*Pictured Left to Right: Kentucky Economic Development Cabinet Secretary Terry Gill, Kevin Smith, Kentucky Beam Bourbon Affairs Vice President, Beam Suntory, Jay Salyers, Miles Partnership*



*Pictured Above: Jeremy Robbins, New American Economy, Executive Director*



*Pictured Above: Business Summit and Annual Meeting MC Renee Shaw, KET*



*Pictured Above: Trade, Tariffs and Kentucky's Economy with Dave Tatman, Kentucky Auto Industry Association, Rocco Rossi, Ontario Chamber of Commerce, Kentucky Agriculture Commissioner Ryan Quarles, John Murphy, U.S. Chamber of Commerce, and Ashli Watts, Kentucky Chamber*



### VIEW MORE PICTURES

Go online and visit [www.kychamber.com/BSAM](http://www.kychamber.com/BSAM) for more event photos and to learn more about the Business Summit.

## POLITICS FROM BOTH SIDES: MATT JONES AND SCOTT JENNINGS TALK

# Kentucky Politics

### AT KENTUCKY CHAMBER BUSINESS SUMMIT

Concluding the first day of the Kentucky Chamber's Business Summit, business leaders heard a panel on Kentucky politics on Thursday between two high profile names on both sides of the political spectrum.

Moderator Jacqueline Pitts, managing editor of The Bottom Line, started the conversation with political pundits CNN Correspondent Republican Scott Jennings and host of *Kentucky Sports Radio* and *Hey Kentucky* Democrat Matt Jones asking their thoughts on the 2019 Governor's race, specifically asking if Governor Matt Bevin will run for re-election.

Jennings said that he will run and believes he will be re-elected, stating it would be hard for a Republican incumbent in a conservative state, with a low unemployment rate, to lose. He also stated that there is not a Democrat currently considering running that would be able to beat Gov. Bevin.

Jones stated that he agrees Gov. Bevin will run but stated he might be vulnerable due to his rhetoric dealing with the pension issue, which Jones said has made him unpopular, especially in the rural parts of the state.

Jennings stated that if Bevin decides not to run, there would be many people that would enter the race. Jones said that he believes Democrats would like Bevin to run, and if he doesn't it will be a free for all for all Republicans, and highlighted Congressman James Comer, several legislators and perhaps even political consultants as possible candidates.

Looking at Attorney General Andy Beshear, who has already declared his candidacy for Governor, Pitts asked the panel about their thoughts on his chance.

Jones said that at this point he is the favorite, but he is the only candidate. He stated he believes Rep. Rocky Adkins, former state Auditor Adam Edelen, Rep. Attica Scott and perhaps Secretary of State Alison Lundergan Grimes may run. Jones noted a crowded primary will be good for the Democrats because it could build a new generation of Democrats to emerge.

Jennings said that he doesn't believe Beshear sounds like a governor and Adam Edelen is a better speaker and campaigner. He also stated that former Congressman Ben Chandler may consider running as a moderate. Jennings also said that he thinks Secretary of State Grimes could be a strong contender, as the only female to enter the race.

On the topic of the state legislative races coming up in November, both panelists believe that the House will remain in Republican control but could lose a few seats. Jones said that the teacher movement is real and he believes there will be some surprises where teachers, or teacher-supported candidates, will win, using the

defeat of Majority Leader Jonathan Shell as an example.

Pitts asked the question about the relationship between President Trump and Majority Leader McConnell, Jennings said that one of the most positive things they have accomplished are the appointment of judges who are conservative, and this will define the legacy of this first Presidential term. Jones said that McConnell and mainstream Republicans have historically agreed on many issues, but now with President Trump this has shifted, but stated that McConnell does not agree with this movement. He said the Trump/McConnell relationship is the most fascinating thing in national politics.

Jennings noted the press conference President Trump held with Russia's Vladimir Putin, saying that it was a bad performance, but the Democrats have vastly overplayed it, just as they did with the immigration crisis.

When asked if McConnell would be able to hold the Senate, Jennings stated the Senate will remain in Republican control, but thinks the House could potentially flip to Democrat. Jennings followed up that McConnell would run for re-election and he feels strongly the Senate Majority Leader will win.



Pictured Left to Right: Matt Jones, Host of Kentucky Sports Radio and Hey Kentucky, Jacqueline Pitts, Director of Communications, Kentucky Chamber of Commerce, and Scott Jennings, Co-founder and Partner, RunSwitch PR

Jones, who has been rumored to run against Sen. McConnell in 2020, stated that anyone who would run against the Majority Leader would face an uphill battle and it would need to be a political outsider. He also stated that he agrees the House may flip to Democrat, but the Senate will stay in Republican control.

Jennings said the main focus of McConnell's election will involve Kentuckians having the opportunity to have the most powerful champion in Congress and that matters to the electorate.

Jones stated that he is a progressive Democrat and his audience is overwhelmingly Trump supporters, who are not favorable to Sen. McConnell and there is a way, even though difficult, for someone to beat the Majority Leader.

Read more about the panel including Jennings and Jones opinions on the 6th District Congressional race between U.S. Rep. Andy Barr and Democrat Amy McGrath, who they feel are rising stars in the parties.

## READ MORE

Read more about the panel's discussion on the future of Kentucky politics and see video coverage on [kychamberbottomline.com](http://kychamberbottomline.com).



Pictured Above: Ted Abernathy, Managing Partner, Economic Leadership LLC



Pictured Above: Janet Jakubowicz, Chair, Partnership Board, Bingham Greenebaum Doll, LLP



Pictured Above: Kentucky Agriculture Commissioner Ryan Quarles



Pictured Above: Elizabeth McCoy, President and CEO of Planters Bank, and Kentucky Chamber Chair Joe Craft, President, CEO and Director of Alliance Resource Partners



Pictured Above: Kentucky Chamber Board Chair Joe Craft, President, CEO and Director of Alliance Resource Partners



# Financial & Societal Impact

## OF MANDATORY BAIL FOR LOW-LEVEL OFFENSES MUST BE ADDRESSED, KENTUCKY SUPREME COURT CHIEF JUSTICE MINTON SAYS

With justice reform issues taking center stage in Kentucky and across the nation, a focus is being placed on ensuring the pre-trial justice system doesn't disproportionately impact low-income Americans who are not able to pay their bail for a low-level non-violent offense.

According to a report from the Pegasus Institute titled Reform Opportunities in Kentucky's Bail System, there were 64,123 non-violent, non-sexual defendants detained in Kentucky in 2016 because they could not afford their bail, staying an average of 109 days.

When low-income citizens are detained and not able to post bail, it can also force them to lose their jobs because they must remain in jail. And it is a large cost to taxpayers as local governments lost \$152 million last year because of Kentucky's current bail system, according to the Pegasus Institute.

Because of these statistics, Chief Justice John Minton of the Kentucky Supreme Court told The Bottom Line there is a movement happening across the country when it comes to pre-trial justice reforms, of which Kentucky is now at the center.

Minton said 90 percent of the people incarcerated in county jails are not serious criminals but are individuals there for low-level offenses including misdemeanors or violations, which he said is a tremendous financial burden on Kentucky counties.

"It is one of those issues, happily, that attracts both sides, both sides of the political spectrum because fiscal conservatives are very concerned about the high costs of incarceration. And folks on the other side of the political spectrum, of course,

would emphasize that the constitution does say that we are presumed innocent until proven guilty. Those who insist presumption of innocence is ignored with financial bail, folks who would say that not only presumption of innocence ignored, but also the fact that this system keeps poor people in jail. People that have money can get out, people who don't have money stay in jail," Minton said.

In terms of ways to address the issue, Minton highlighted the "3DaysCount" initiative launched by the national Pretrial Justice Institute which Kentucky has accepted a grant to pursue. The initiative emphasizes the statistical data that even three days in jail is devastating to an individual as it is enough time they will likely lose their job.

Minton said the effort seeks to educate the judicial system on the impact of three days in jail and how to address pre-trial justice without imposing a money bail for low-level offenses.

"It's not because they are a threat to public safety or a threat not to come back to court or a threat to re-offend or a threat to flee the jurisdiction, it's just because we have this default system of setting a money bail that keeps them in jail," Minton said.

"We need to keep the people in jail that we're afraid of, that society is afraid of these people to keep them in jail, but we need to release the people if we're just mad at them for something." We need to find a way that they can be released from custody, go on about their jobs, pay their bills, take care of their families and deal with their legal issues because statistically, we know that 85% of those people come back to court no matter what."

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## UPCOMING EVENT

### KENTUCKY ENTREPRENEUR HALL OF FAME *Induction Celebration*

Hosted by the Kentucky Chamber, Awesome Inc and Sustainable Business

NOVEMBER 14  
GRIFFIN GATE MARRIOTT RESORT & SPA

The Kentucky Chamber, Awesome Inc and Sustainable Business Ventures will host the Kentucky Entrepreneur Hall of Fame (KEHOF) Induction Celebration on Wednesday, November 14, 2018 at the Griffin Gate Marriott Resort & Spa. The ceremony honors the legacies of Kentucky's most successful entrepreneurs, while recognizing the inspirational impact they have on the future entrepreneurs of the Commonwealth.

KEHOF exists to raise awareness of the impact that entrepreneurship has made in Kentucky and to encourage others to pursue similar ambitious endeavors. Join us on this special evening of networking, celebration and recognition. We start with a reception, followed by dinner and the inductee celebration.

Sponsorship opportunities are also available. Contact **Andrea Flanders at 502-848-8723** for details or questions.



## REGISTER

Individual tickets and tables of 10 are available. Register at [entrepreneurhof.com](http://entrepreneurhof.com).



legal climate in line with neighboring states like Indiana, Tennessee and West Virginia — all of which have pursued reforms to preserve a consistent, level-playing field in the justice system. In turn, these states have a leg up in attracting business investment, and the skilled providers needed to care for aging populations.

Here's another fact about our legal climate: Louisville is "the seventh biggest market for lawyer TV ads, even though it is only the nation's 49th largest TV market." But don't take our word for it. Mr. Wolfson wrote it. Advertisers go where the money is — and in Kentucky it pays to push personal injury cases.

In other states — like Indiana — it's not as lucrative because of commonsense policies like MRPs combined with reasonable caps on punitive damages.

Kentucky's constitution affords everyone the right to present their claim before a jury of their peers. Unfortunately, our tort system is so broken that the guarantee to a jury trial has been warped into a presupposed right to jackpot.

Kentucky's legislators recognized the outsized influence of Kentucky's bad litigation climate and established the MRP process to level the playing field. If finally given the chance to work, free of confusing and unnecessary legal challenges, MRPs will expose frivolous suits and help meritorious claims by providing an impartial review and acknowledgement of the supposed harm.

Establishing MRPs in Kentucky was a significant change — but it was not intended to be a panacea for our broken legal liability system. In his article, Mr. Wolfson painted the number of cases in the MRP process as evidence of some inherent — yet unspecified — deficiency in the policy.

The opposite is true. The staggering number of cases show exactly why we need tort reform. In a state where outcomes are not wildly out of step with industry norms (if at all), juries are led to believe that so many more providers and businesses are incompetent and/or negligent.

Doctors, attorneys and judges can all be forgiven for not being aware of the MRP process. It barely got started before it was challenged.

Unsurprisingly, the court quickly declared MRPs unconstitutional, a decision that was put on hold by the Court of Appeals. Now it's up to the Kentucky Supreme Court to uphold this carefully crafted process that the legislature believed is needed. This process and the accompanying confusion has left many unsure of what will happen.

Removing the incentive to send frivolous cases to juries will improve the legal climate and afford businesses, health care providers and health care professionals some much needed certainty and eliminate an advantage other states have when courting investment and caregivers.

Kentucky needs the MRP process along with additional legal reforms to return sanity to the system. When businesses and health care providers spend less paying out settlements on meritless claims — they have more to invest in growing the Commonwealth and providing care.

Fewer frivolous lawsuits means a better Kentucky for everyone.

## MEDICAL MALPRACTICE REVIEW PANELS BRING SANITY TO A

# Broken Legal System

The following piece is an op-ed co-authored by David Adkisson, president and CEO of the Kentucky Chamber of Commerce; Mike Rust, president and CEO of the Kentucky Hospital Association; and Patrick Padgett, executive vice president of the Kentucky Medical Association.

The Aug. 5 story by Andrew Wolfson on Kentucky's new Medical Review Panel (MRP) process would have readers believe our legal liability system was working flawlessly before the new law was enacted. Perhaps that was true for the personal injury lawyers and TV stations that air their incessant commercials. But nothing could be further from the truth for the rest of us.

To the detriment of businesses, caregivers — and ultimately consumers — Kentucky is one of the most litigation-friendly environments in the country. In fact, the U.S. Chamber of Commerce Institute for Legal Reform ranks Kentucky 43 out of 50 states for our legal liability climate. Worse, Kentucky is trending in the wrong direction. In 2015, we ranked 37.

For example, it's so bad that Kentucky considers the normal, human act of a doctor apologizing to a patient who did not receive an outcome they hoped for as an admission of guilt!

Establishing the MRP process in Kentucky was the first step toward bringing our

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Kentucky Chamber  
**NEWS**

SEPTEMBER 2018

BUSINESS-EDUCATION ROUNDTABLE  
**TRANSFORMING  
WORKFORCE,  
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