

PROGRAM DESCRIPTION

Department of Labor and Industrial Relations

HB Section(s): 7.815

Higher Authority Review

Program is found in the following core budget(s): Labor and Industrial Relations Commission

1a. What strategic priority does this program address?

Growth: Foster a business environment to support economic development.
Provide fair and consistent review of appeals and approve department regulations.

1b. What does this program do?

- Reviews appeals of decisions and awards in workers' compensation, unemployment insurance compensation, and tort victims' compensation programs, and prevailing wage objections in compliance with Chapters 286, 287, 288, 290, 537, RSMo, to ensure fair and consistent application of the law.
- Renders impartial written opinions that can impact workers and employers, which can be appealed through the Missouri court system.
- Reviews and approves department regulations to ensure compliance with state and federal laws and equal protection for workers and employers.

2a. Provide an activity measure(s) for the program.

	FY 2019		FY 2020		FY 2021		FY 2022	FY 2023	FY 2024
	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Projected ⁴	Projected ⁴
Employment Security									
Appeals Filed ²	1,915	1,935	2,103	1,667	6,000	1,640	2,000	1,869	1,747
Decisions Issued ³	2,270	2,179	2,348	1,676	7,000	1,797	2,300	2,132	1,884
Oral Arguments Heard	0	0	0	1	0	0	0	0	0
Appeals to Court	216	280	253	245	750	128	280	235	217
Workers' Compensation									
Appeals Filed	297	253	295	204	270	122	270	270	193
Decisions Issued	413	307	389	255	360	250	360	360	270
Oral Arguments Heard	35	25	40	32	33	4	33	33	20
Appeals to Court	36	53	43	67	46	52	46	46	57
Prevailing Wage¹									
Objections Filed	350	76	44	10	19	11	19	19	32
Decisions Issued	30	6	9	11	5	3	5	5	6
Hearings Held	3	1	0	0	0	0	0	0	0
Appeals to Court	1	0	0	1	0	0	0	0	0

¹ A new prevailing wage law, effective August 28, 2018, changed the occupational title descriptions, which could lead to numerous objections from the crafts involved. Objections filed are counted by each craft and each county. They can be combined for hearings and decisions issued in the interest of efficiency.

² The increase in the estimated number of appeals for FY2021 is based on the unprecedented number of unemployment claims filed during the COVID-19 pandemic.

³ The number of decisions issued is often higher than the number of appeals filed due to the fact that multiple decisions may be issued per appeal.

⁴ Projections are difficult to predict since the decision to appeal depends solely on an individual's choice. Projections are based on averages of the previous five years' data.

PROGRAM DESCRIPTION

Department of Labor and Industrial Relations

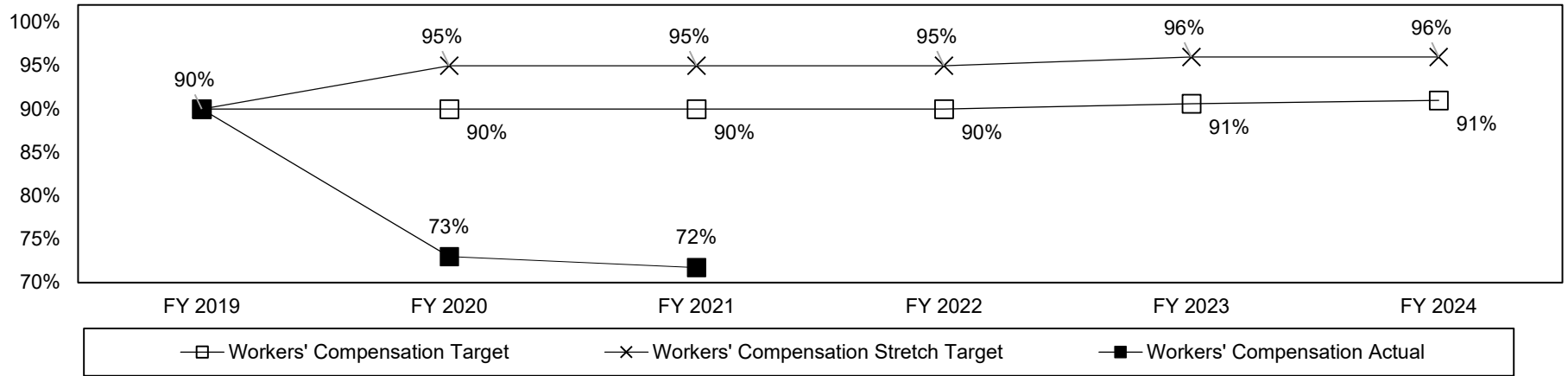
HB Section(s): 7.815

Higher Authority Review

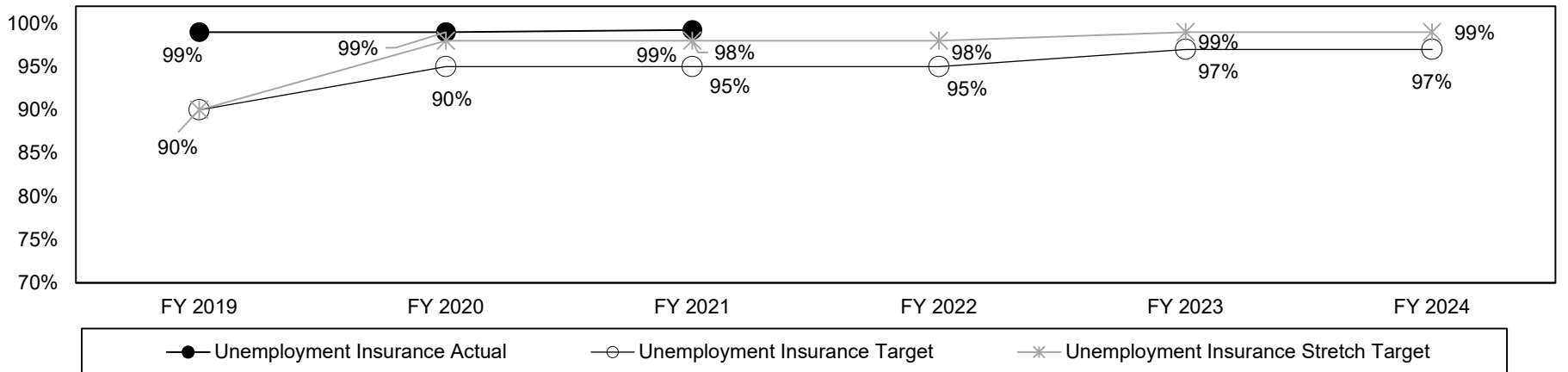
Program is found in the following core budget(s): Labor and Industrial Relations Commission

2b. Provide a measure(s) of the program's quality.

Percentage of LIRC Worker's Compensation Appeals Decisions Affirmed by the Court⁵



Percentage of LIRC Appeals Unemployment Insurance Decisions Affirmed by the Court⁵



⁵ Because affirmations by courts are highly dependent on the location, nature, and time of the appeal, it is difficult to predict the affirmation rate.

PROGRAM DESCRIPTION

Department of Labor and Industrial Relations

HB Section(s): 7.815

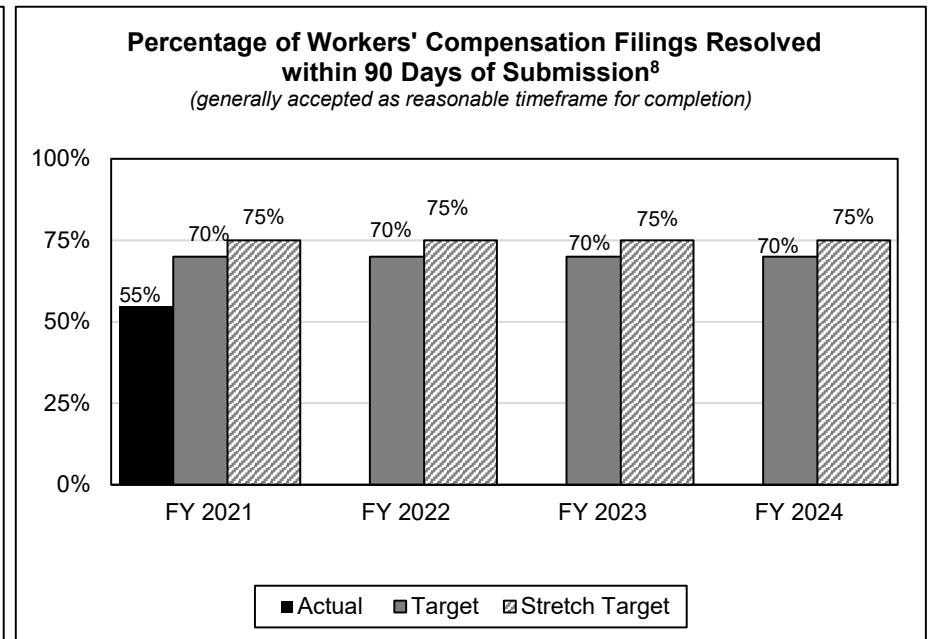
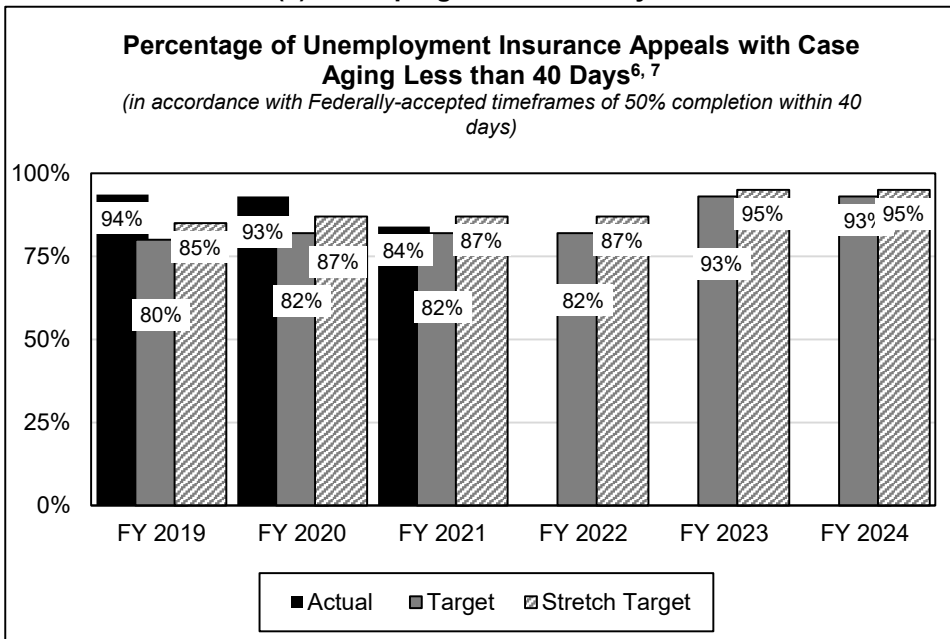
Higher Authority Review

Program is found in the following core budget(s): Labor and Industrial Relations Commission

2c. Provide a measure(s) of the program's impact.

Since the Labor and Industrial Relations Commission is an appellate body, the impact of decisions are reflected in the affirmation of decisions by the courts.

2d. Provide a measure(s) of the program's efficiency.



⁶From July to November 2018, the LIRC has improved the percentage of unemployment insurance appeals with a case age of less than 40 days to 92.5%. Targets and Stretch were readjusted for FYs 2020 and 2021.

⁷The FY2021 targets were established prior to the COVID-19 pandemic. Actuals for the year are estimated to still be completed within the targeted goal; however, a larger than normal volume of cases are also estimated.

⁸The new measure runs from the date a case is submitted to the LIRC for review, and includes every workers' compensation matter disposed by the LIRC within the fiscal year, whereas the prior 180-day measure ran from the date of an application for review and only included appeals from an ALJ award. This measure was enacted in FY2021 and actual data is only available from FY2020 onward.

PROGRAM DESCRIPTION

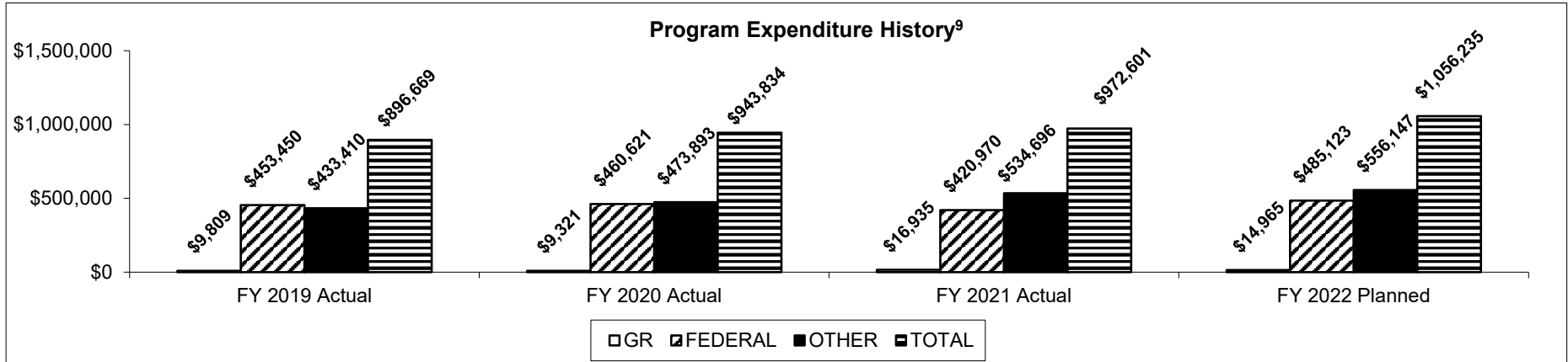
Department of Labor and Industrial Relations

HB Section(s): 7.815

Higher Authority Review

Program is found in the following core budget(s): Labor and Industrial Relations Commission

3. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year. (Note: Amounts do not include fringe benefit costs.)



⁹ The decrease in FY 2018 expenditures is attributed to a 15-month vacancy of a commission member position and staff vacancies throughout the fiscal year. FY 2021 Planned is after reserves and restrictions.

4. What are the sources of the "Other " funds?

Workers' Compensation Administration

5. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

The duties and responsibilities of the Labor and Industrial Relations Commission (LIRC) are set out in Chapter 286, RSMo. Appeal rights for the various cases are authorized as follows: Workers' Compensation, Chapter 287, RSMo; Unemployment Insurance, Chapter 288, RSMo; Tort Victims' Compensation, Chapter 537, RSMo; and Prevailing Wage Objections, Chapter 290, RSMo.

6. Are there federal matching requirements? If yes, please explain.

The LIRC does not have Federal matching requirements; however, the LIRC receives Federal funds for review of unemployment insurance cases.

7. Is this a federally mandated program? If yes, please explain.

No