

Motorcycle Safety Education Commission Meeting

Kentucky State Police

380 Coffee Tree Road, Frankfort, KY 40601

10:00 am – 11:30 am

June 19, 2017

Commission Members Present: Steve Hanlon, Jay Huber, Jeanie Petty, Glenda Hobbic and Bob Heckel

Commission Guests Present: ECU – Amy Hughes and Evelyn Mynes

Justice and Public Safety Cabinet Staff Present: Elzie Burgher and Davis Paine

- Greetings and Introductions

- Chairman Steve Hanlon called the June 19, 2017, meeting of the Kentucky Motorcycle Safety Education Commission (KMSEC) to order. He stated that the commission had a quorum due to five board members being present. Chairman Hanlon then called for an update from the Eastern Kentucky University representative.

- Program Update

- Ms. Hughes provided the commission members and JPSC representatives with any updated information concerning the program. She mentioned that as of June 8, 2017 there were 1,012 students in the program's database. 87 classes have been offered this year averaging 10 students per class. In April, there was a meeting with the site providers of which 13 sites were represented. She stated that at this meeting the topics discussed were as follows: an overview of the program, site responsibility, program responsibility, bid proposal and the new memorandum concerning workers compensation. In addition to that, there were a number of recognition awards announced. Ms. Hughes continued by stating that Western Kentucky University held a Ridercoach Prep workshop at which five people successfully completed the course. She stated that ECU is also looking to establish a new site in Madisonville, KY; the motive behind this establishment being that it is within 40 miles of two Tier 2 cities. One potential drawback of adding this location is that it could draw from the number of students attending the course in Hopkinsville. She followed this concern with the statement that the Hopkinsville location primarily receives students from Christian County and does not reach the other two Tier 2 cities in question. There was also

concern about the possibility of losing a site but that ECU would try to prevent this from happening. Ms. Hughes finished her analysis of 2017 to which Jay Huber followed with a question concerning the establishment of another site in Northern Kentucky. Ms. Hughes responded by saying that there were other areas that need more attention like Louisville. Jay disagreed saying, "there are already two sites in Louisville." The conversation ended without agreement and the meeting continued with a discussion of workers compensation.

- **Workers Compensation**

- Jay Huber began this discussion by stating that this is an, "Area of contention," and that, "Most independent contractors cannot get workers compensation." The issue that was being addressed was the issue of a new MOA in May 2017 that included that site providers be required to supply workers compensation. Ms. Hughes responded by stating that this issue has come down from ECU's legal department. Jay responded by stating that there is no policy and procedure that is in effect since one cannot change a contract after the fact. He insisted that ECU revert to 2016's MOA. Ms. Hughes followed up by stating that in no way was the new MOA forcing anyone to purchase worker's compensation if they did not have it already. ECU, however, needs documentation that states that the individual contractor is exempt from having to supply worker's compensation. She continued by saying that there needs to be a meeting between the Justice and Public Safety Cabinet's legal and that of ECU's in order to reach an agreement over the existing contract and its modifications. Jay Huber responded saying, "What were the site providers operating under from December until now?" Ms. Hughes responded, "The prior agreement. The draft for the MOA was issued in April and the final version was released in May." Jay replied, "From April until it was sent out, what were they operating under?" Ms. Hughes stated that they were operating under "Good faith." There was then discussion about the possibility of reimbursements and the insistence from the Commission that, "Since nothing was signed, they should be operating under the previous agreement." The discussion of reimbursements continued and Ms. Hughes agreed that there would be reimbursements but the time at which those would be given is still to be determined. In order to expedite the process, the members from the Cabinet requested that all outstanding in-voices be submitted as soon as possible and that Ms. Hughes supply a submission date by the end of the day. Ms. Hughes agreed and the discussion was concluded with her stating that she simply needs something from each site provider that states that they do not need to conform to workers compensation.

- **Bridge Plan for the End of EKU's Existing Contract**

- Elzie Burgher began the discussion concerning the implementation of a new MOA. However, the current MOA will remain in effect until the new one can be instituted. That MOA, once the grant is in place, will cease. In regards to the new contract, 4 RFPs will be issued in July and the entities chosen to fulfill the particular duties of the RFPs will be awarded in August. The contracts will be completely competitive. EKU may win it or they may not. The motive behind this new plan is to, "Tailor to more of what the program needs." The idea is to lower the cost of the program in order to utilize the funding more efficiently and, "Provide valuable public safety." The largest change from the existing program will occur in August as this will be the time when the program will transition from EKU to whomever is awarded the RFP.
- A guest from the audience suggested that an internet course be instituted as well since it is more likely to accommodate the schedules of the younger generation.
- The discussion of the bridge plan continued with Davis Paine supplying additional information about the 4 RFPs. There will be one for instructors, one for providing the course, one for a website and one for a media campaign. The instructor training will have to follow the particular existing guidelines and must be approved by the Secretary. The sites that provide the course will be dictated by the market. Wherever there is demand for the course and the site is able to sustain themselves, there is an opportunity for that site to exist. In terms of the website, it will be utilized to consolidate registration information from the site providers and will allow potential students to sign up and pay online. Finally, the media campaign will seek to target riders that are not currently riding but have expressed interest in doing so.
- There was a question concerning the reimbursement per student. Davis responded by saying, "Ideally, I would like to see more money being given toward student tuition." So yes, reimbursement per student is still in effect.
- There was a suggestion from the audience concerning the idea of supplying information to the school system in order to inform 16 and 17 year olds that they have the opportunity to take this course for free. Perhaps there can be an additional paragraph in the Driver's safety manual about this issue, information could be sent to Superintendents or the Kentucky Association of Counties could be contacted.

- **Extension of the Contract with EKU**

- Since the RFPs will not be issued until July and awarded until August, there is a need to extend the contract with EKU for the remainder of the year. EKU is to submit a draft of their budget. Ms. Hughes presented the dollar per student amount that is necessary to offer the

course. According to her analysis from 2009 to 2016, the dollar per student had a mean of \$134.64, a median of \$137.11 and a trim mean of \$137.22. The trim mean eliminates the high and low year from the analysis. The Commission then concluded that if ECU were granted \$140 per student then the contract and therefore the program could continue. Ms. Hughes agreed. The other stipulations addressed concerning the existing contract are as follows. The equipment must remain at the sites that wish to continue to provide the program. ECU has 60 days to pay up past invoices. Anyone who offered training from the October to December period will be given \$375. Those will be issued immediately. A meeting should be established between ECU's legal and the Cabinet's legal in order to settle the workers compensation issue. The Commission also insisted that 12 new instructors be trained for Northern and Western Kentucky. Ms. Hughes responded by stating that is still a possibility and that ECU was waiting to see the outcome of this meeting.

- **The Minutes were Approved from the Last Meeting**
- **Future Meeting Date: September 11, 2017**