

**2021 House Bill No. 1021
Testimony before the House Appropriations Committee
Education & Environment Division**

**Presented by:
Bryan Klipfel, WSI Director
Workforce Safety & Insurance
January 11, 2021**

Mr. Chairman and Members of the Committee:

Good morning. My name is Bryan Klipfel, Director of Workforce Safety & Insurance (WSI). I am here today to provide testimony on House Bill 1021, WSI's Appropriation bill. On behalf of WSI, I would like to thank the Chairman and the Committee for providing the agency the opportunity to testify today.

My testimony today will be brief. We have provided you with PowerPoint slides. I will reference various slides that will assist in providing you an overall picture of WSI. The slides should provide you in-depth information for each area of discussion.

WSI is a special fund agency funded solely by employer premiums, which provide for the payment of medical and wage loss benefits as well as administrative expenses. WSI receives no General Fund dollars (**slide 2**).

WSI Today – Strategic Plan – Vision (where we are going & why the budget requested)

I started with WSI in 2009, shortly after an initiated measure placed the agency back under the Governor (**slide 3**). I have worked hard to provide strategic leadership, improve the culture and climate within the agency, and to efficiently manage its' resources. First, we initiated a **Strategic Plan (slides 4-5)**.

We implemented the Balanced Scorecard Strategy – a tool that would allow WSI to set and achieve goals.

As outlined on **slide 5**, we identified four major focus areas, or **Strategic Perspectives**. It is called Balanced Scorecard because you concentrate on the four legs of the stool.

1. Customer - Improve customer experience and workforce safety and health.

2. Finance – Ensure resources are secure and utilized efficiently.
3. Internal Process – Improve communications and business operations.
4. Learning & Growth – Improve the agency culture, climate, and employee development.

One important addition to our Strategic Journey was the addition of the servant leadership philosophy. Basically, to lead is to serve. We, as leaders, are responsible for serving and developing those with whom we work. We at WSI have a noble profession of “Caring for Injured Workers.

An initial enhancement of our Strategic Journey was adopting a WSI Philosophy to create a healthy organization.

1. Build a cohesive leadership team
2. Create clarity – core purpose; values; strategic anchors; business definition
3. Over-communicate clarity
4. Reinforce clarity

The Strategic Journey was then further enhanced by adopting Crucial Conversations.

WSI’s Core Purpose is “**To care for injured workers**”. That is why WSI exists. North Dakota is known as a state that provides good benefits to injured workers, and good payments to medical providers. **Slides 6-7** provide additional information and insight into how this was accomplished.

WSI offers the lowest premium rates in the nation and still provides good benefits. **Slides 8-12** illustrate how WSI benefits compare with other states.

Throughout history, the North Dakota Legislature has worked closely with WSI to develop legislation to help ensure this purpose is fulfilled. **Slides 13-17** provide a listing of past benefit / service enhancement legislation.

Performance Measures were identified to measure our success on **Slides 18-22**.

WSI Performance Metrics

Performance Indicators	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Injured Worker Satisfaction Survey	4.11	4.06	3.99	4.13	4.15	4.18
Employer Satisfaction Survey	4.27	4.31	4.41	4.42	4.32	4.37
Claims Filed/100 Covered Workers	5.69	4.97	4.91	4.90	4.86	4.54
Wage-loss Claims Filed/100 Covered Workers	0.73	0.57	0.58	0.60	0.59	0.62
Average Annual Premium Rate Adjustment	1.3%	4.8%	-2.5%	-7.9%	-6.8%	-7.1%
Investment Returns	3.27%	3.58%	8.29%	5.34%	6.87%	6.00%
Net Position (Fund Surplus) <i>millions</i>	\$454.8	\$466.1	\$608.8	\$681.1	\$770.4	\$906.0
Available Surplus Ratio	38.9%	39.8%	52.9%	61.9%	68.0%	85.5%
Premium Dividends (<i>millions</i>)	\$92.8	\$123.2	\$117.9	\$105.1	\$106.5	\$103.0
WSI Employee Turnover	9.3%	5.1%	3.5%	6.7%	6.9%	5.1%

WSI 2021-2023 Appropriation Request

Staffing

WSI accommodated the increased workloads during the peak boom years by increasing the number of temporary employees. As of June 30, 2015, WSI had the equivalent of 32 temporary employees. As workloads decreased, this number has been reduced to 5 in FY 2020, a reduction of 83% (slide 23).

Appropriation

Below is the bill outlining WSI's appropriation for the 2021-23 biennium (slide 24).

21.0280.01000

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1021

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and
2 insurance.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
5 as may be necessary, are appropriated from special funds derived from the workforce safety
6 and insurance fund in the state treasury, not otherwise appropriated, to workforce safety and
7 insurance, for the biennium beginning July 1, 2021, and ending June 30, 2023.

	Governor's		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
10 Workforce safety and insurance	<u>\$60,887,842</u>	<u>\$73,460,852</u>	<u>\$60,887,842</u>
11 operations			
12 Total special funds	\$60,887,872	\$73,460,852	\$60,887,872
13 Full-time equivalent positions	260.14	248.14	260.14

14 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
15 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium:

	<u>2019-21</u>	<u>2021-23</u>
16 <u>One-Time Funding Description</u>		
17 Claims and policy system replacement project	\$7,010,000	\$0
18 MyWSI extranet enhancement project	<u>850,000</u>	<u>0</u>
19 Total special funds	\$7,860,000	\$0

The Governor's Budget Recommendation for WSI includes **(slides 25-27)**:

- \$7.5 million in one-time funding for the continuation of the development of the claims and policy system (CAPS).
- \$3.05 million in one-time funding for the continuation of the myWSI extranet enhancement project.
- \$514,000 in one-time funding for building improvements.
- \$32,057 to cover the increased cost of software licenses for Office 365.
- Transfers 12.00 FTE positions to NDIT for IT unification.

The Governor recommended special fund agencies reprioritize 5% of their appropriation to strategically reinvest in high-impact areas. WSI was able to reprioritize \$1.1 million within the operating budget to put towards additional resource support to assist with various strategic initiatives. This was accomplished by reducing costs in travel, supplies, and IT contractual services.

WSI is financially stable, provides excellent service, and is overall functioning very well. The FY2020 financial audit conducted by Eide Bailly noted no material weaknesses, no significant compliance findings, and no prior year findings to update **(slide 28)**. The Governor's recommended budget for 2021-23 would result in a total biennial base budget increase of 2.50% from the prior biennium, and an overall budget increase, including one-time funding items, of 6.90% from the prior biennium.

We firmly believe the technology initiatives outlined above will only serve to make us better in the services that we provide.

COVID-19

As a result of the COVID-19 pandemic, Executive Orders 2020-12, 12.1, and 12.2 were issued **(slide 29)**. 92% of the accepted claims were for healthcare workers with the balance primarily for first responders.

WSI received \$1,018,052 from the CARES Act funding **(slides 30-31)**. \$3,184 was used for telecommuting expenses and the remaining \$1,014,868 was used to cover costs associated with claims filed under the Executive Orders. All money was spent prior to December 31, 2020.

WSI assisted the Department of Commerce with their Medical Expense Assistance Program (MEAP) for healthcare workers and first responders (**slide 32**).

Some WSI staff also assisted Job Service with handling the large number of unemployment claims that they were receiving.

In closing, thank you for your time today and your consideration of WSI's biennial appropriation. At this time, I would be glad to answer any questions that you may have.

Great State of
North Dakota

House Appropriations
Education &
Environment Division

WSI

North Dakota Workforce
Safety & Insurance

Bryan Klipfel | Director
January 11, 2021



NORTH
Dakota Be Legendary.™

WSI

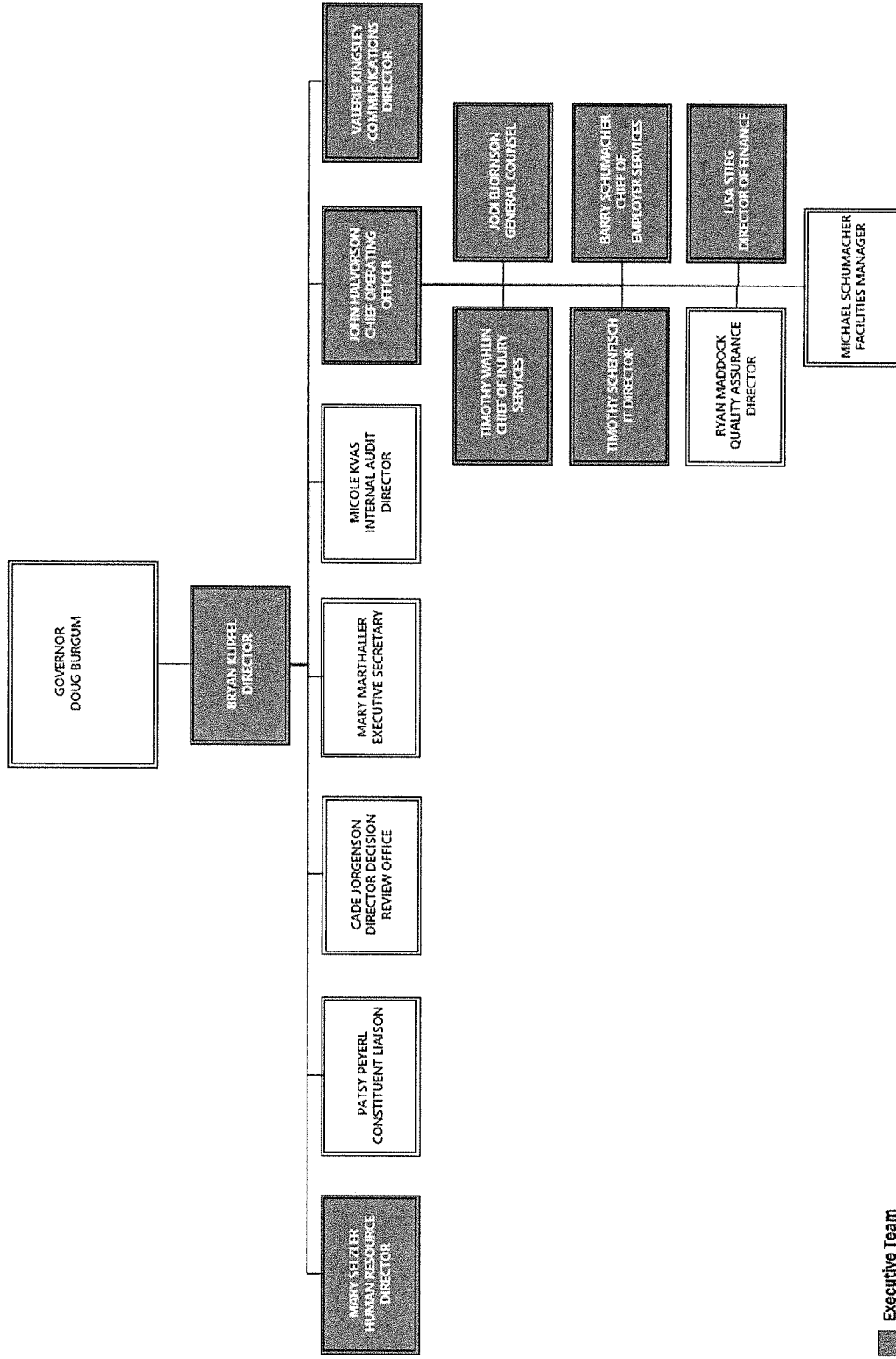
North Dakota Workforce
Safety & Insurance

Who We Are



About Us

WSI is an exclusive, employer-financed, no-fault insurance state fund covering workplace injuries and deaths (NDCC Title 65). WSI is a special fund agency and receives no general fund dollars.



■ Executive Team



our purpose
 ... to care for injured workers

our business
 ... We provide workers' compensation
 and safety services

Loyal
 Caring
 Forthright

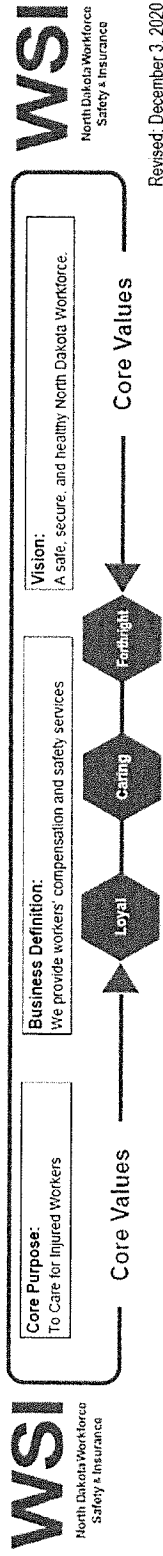
our core values

our strategy

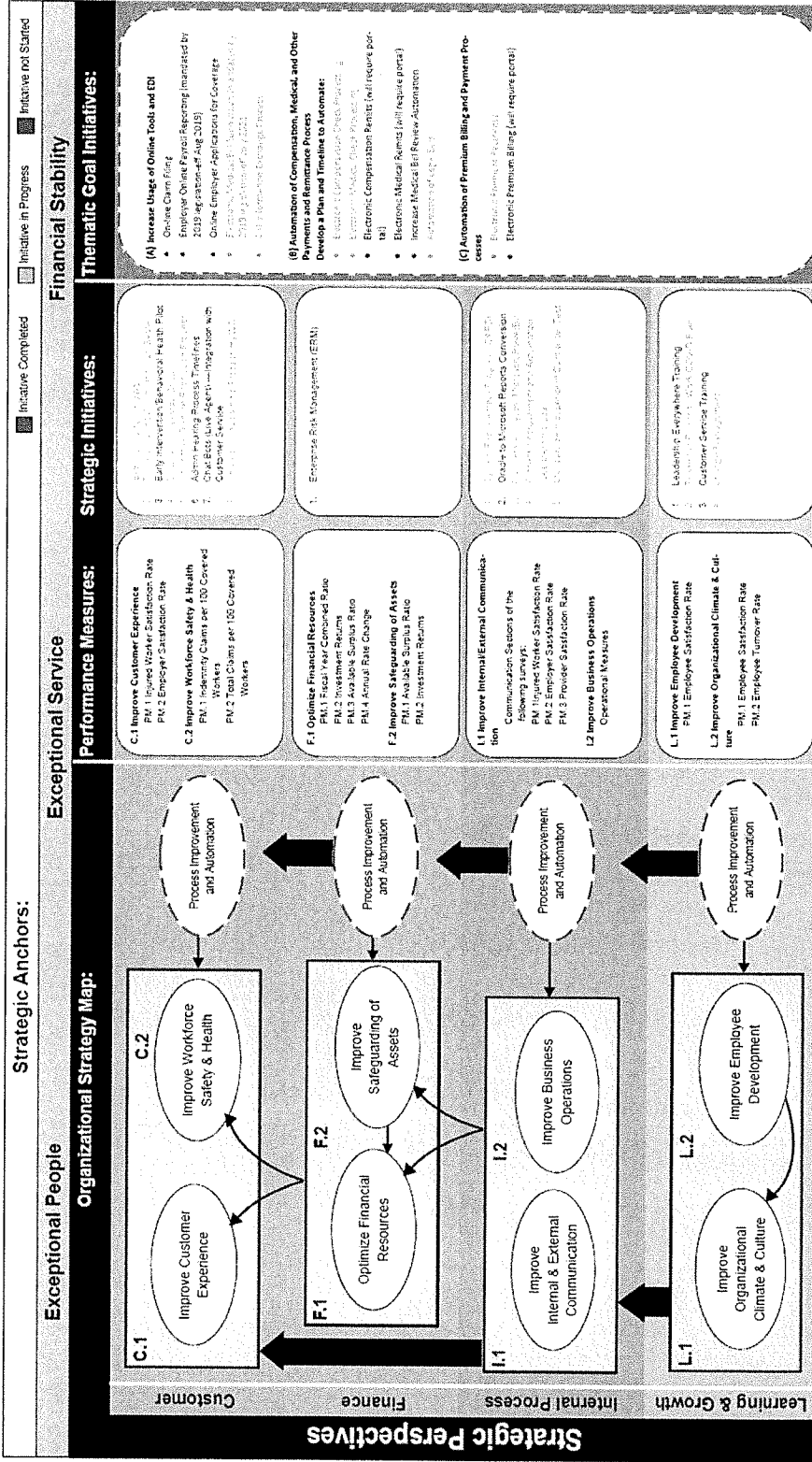
- ✓ Exceptional People
- ✓ Exceptional Service
- ✓ Financial Stability



2020 N.D. Workforce Safety & Insurance—Strategic Management System



Revised: December 3, 2020



Strategic Highlights



Exceptional Employees and Positive Work Environment

- Top 10 places to work in Bismarck/Mandan (Bismarck-Mandan Young Professionals Network – 2017)
- One of three entities to receive the United Way Live United Award (Other recipients were Scheels and First International Bank & Trust - 2017)
- Servant Leadership Philosophy – We exist to serve others

Good Benefits

- Benefits set by statute including medical, wage-loss, impairment, and death
- Benefits compare quite favorably to other jurisdictions

Low Premiums

- Lowest premiums in the country (2018 Oregon Premium Study)
- Premiums were reduced for the 5th consecutive year with an average 8% reduction for the 2020-2021 policy year

Good Payor

- Fair payment for medical and hospital services
- Ensures injured employee access to quality healthcare

Financially Stable

- Investment returns averaged 6.0% over the past 5 years and contributed to additional surplus growth
- Exceeding statutory surplus requirements requires dividends
- Total dividends issued in 15 out of the last 16 years have amounted to nearly \$1.5 billion

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Safety & Insurance

Strategic Highlights



Safety Focus

- Premium discounts to employers who utilize WSI Safety Programs (\$27 Million – FY 2020)
- Safety grants available to employers and industry associations
- Injury rates fell for the 8th consecutive year with a rate of 4.54 claims filed/100 covered workers in FY 2020

Administratively Efficient

- WSI's administrative expense ratio is 16%. Industry expense ratios average approximately 25%

Few Disputes and Low Litigation

- Only 0.7% of decisions issued proceed to an administrative court hearing

Medical Cost Containment

- Medical and hospital fee schedules
- Utilization review
- Medical bill review
- Evidence-based treatment guidelines
- Triage of complex claims
- Pharmacy Formulary

Return-to-Work Programs

- Time-loss claims account for approximately 14% of total claims in North Dakota compared to 20% in other jurisdictions

Good Service and Overall Customer Satisfaction

- Independently conducted injured employee and employer satisfaction surveys and consistently rank in the "high" satisfaction category

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Premium Index Comparison

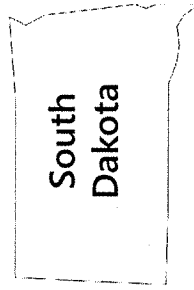


Per 2018 Oregon Study:

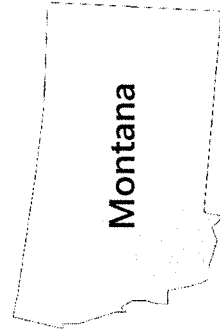
Neighbor state's rates compared to
North Dakota (before any dividends)



2.0X
Higher



2.1X
Higher



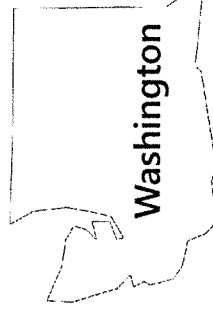
2.5X
Higher

Monopolistic States:

State's rates compared to
North Dakota (before any dividends)



1.7X
Higher



2.3X
Higher



2.3X
Higher

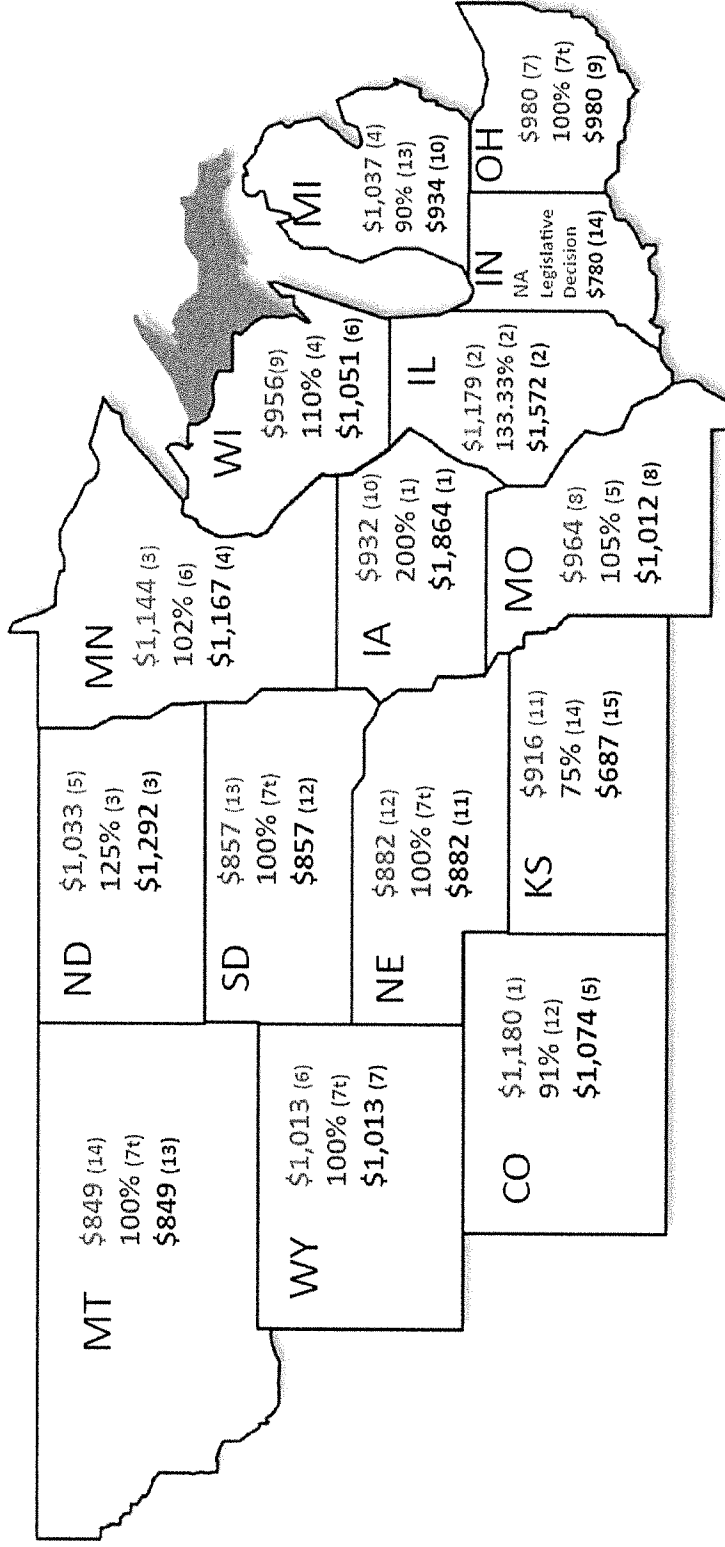
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Benefit Comparison



Midwest States: State's Average Weekly Wage, Maximum Benefit Rates and Maximum Weekly Benefit Amounts 2020—2021



SAWW (WY uses State's Avg Monthly Wage—calculated quarterly—3rd qtr 2020 shown)
Max. Weekly Benefit Rate
Max. Weekly Benefit Amount

~ Information in Parenthesis = State Rank (#1—highest to #15—lowest)
~ Information Source: State Workers' Compensation Websites

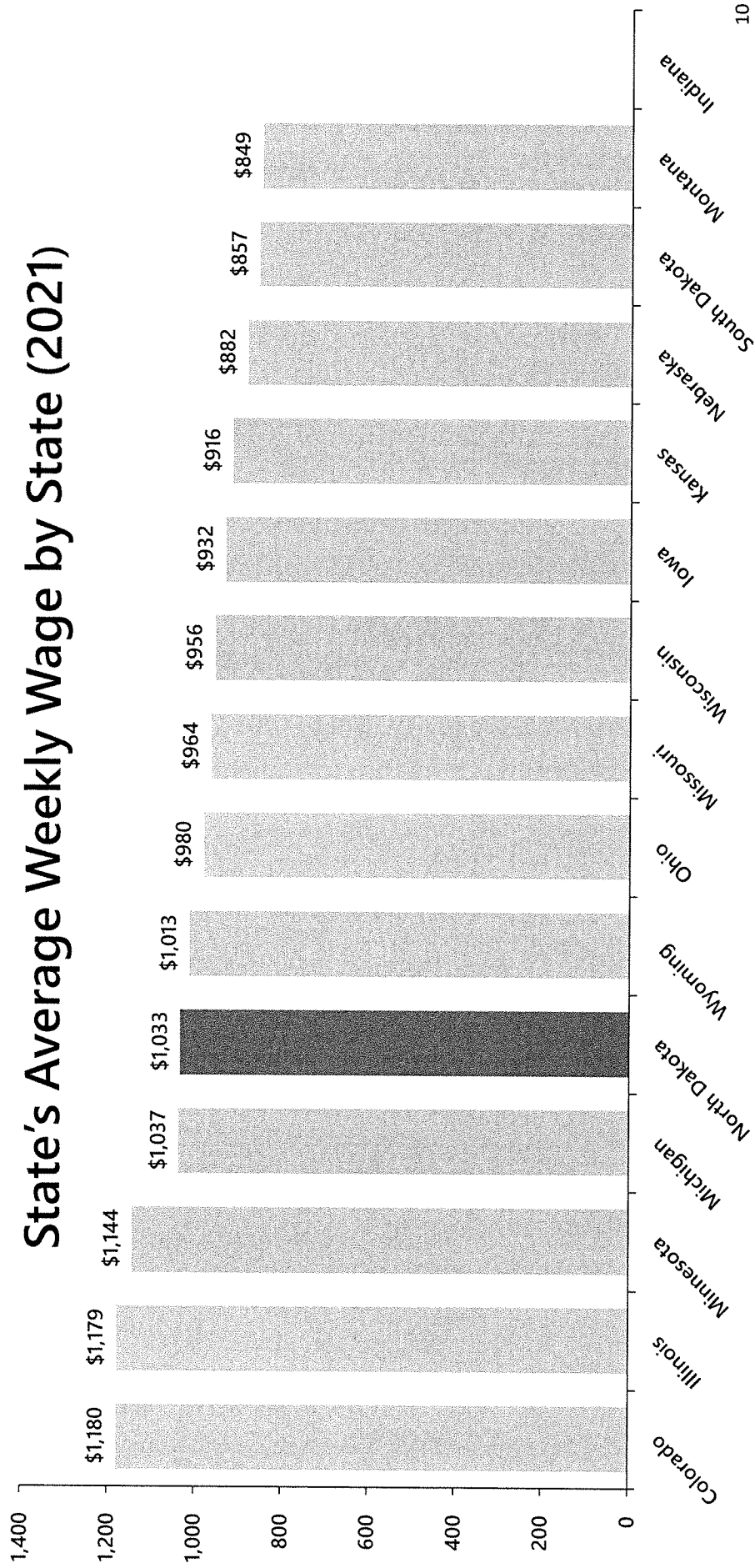
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Benefit Comparison



State's Average Weekly Wage by State (2021)



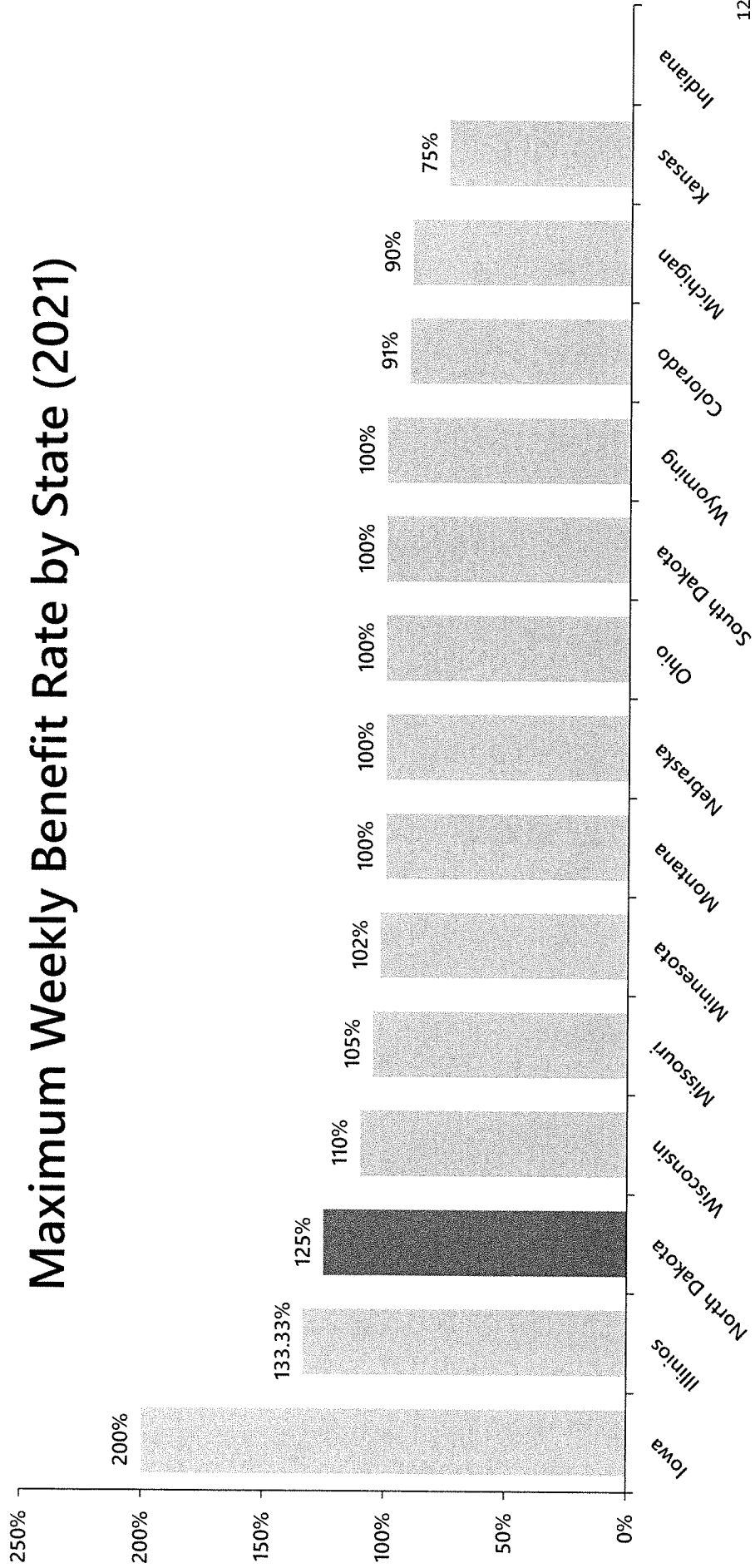


Benefit Comparison





Maximum Weekly Benefit Rate by State (2021)





2019 Legislation

Required employer payroll reporting to be done electronically (HB 1072)

Requires healthcare providers to submit medical bills and documentation electronically no later than July 1, 2021 (HB 1073)

2017 Legislation

Provides for payments of an injured worker's attorney fees and costs at the level in which they prevailed regardless of whether the organization ultimately prevails (SB 2048)

Establishes a civil penalty in the amount of \$5,000 for an employer who willfully makes a false statement attempting to preclude an injured worker from securing benefits (SB 2094)

2015 Legislation

Expanded eligibility for the scholarship fund to include children up through age twenty-six (HB 1102)

Expanded the eligibility of children that can utilize the educational revolving loan fund (HB 1102)

2013 Legislation

Provided for a study of the preferred provider program (HB 1051)

Strengthened notification requirements for employers participating in the preferred provider program (HB 1052)

Increased benefits for National Guard members who are injured while serving on state active duty (HB 1080)

Expanded definition of law enforcement officer to include peace officers with the North Dakota Parks Department (SB 2134)
Increased vehicle and vehicle adaptation allowance from \$100,000 to \$150,000 (SB 2178)



2011 Legislation

Established a vocational rehabilitation grant program (HB 1050)

Provided up to two years of benefits for workers injured within two years of their presumed retirement date (HB 1051)

Reduced the threshold for percentage of whole-body impairment to qualify for a PPI award (HB 1055)

Increased permanent partial impairment awards (multipliers) for the lower impairment levels (HB 1055)

Expanded eligibility for the scholarship program (SB 2114)

Increased the annual cap that the organization can award in scholarships from \$300,000 to \$500,000 (SB 2114)

Increased the maximum scholarship amount payable per applicant from \$4,000 per year to \$10,000 per year (SB 2114)

Streamlined the personal reimbursement process for injured workers (SB 2114)

Expanded eligibility for the educational revolving loan fund (SB 2114)

2009 Legislation

Provided for payment of eyeglasses and other devices if an injury occurs and damages those prescriptive devices (HB 1061)

Provided for an extension of an additional 20 weeks to the current 104-week limit for retraining programs (HB 1062)

Increased the eligibility pool for job search benefits (HB 1062)

Established pilot program to assess new methods of providing rehabilitation services (HB 1062)

Established parameters of liability for medical expenses paid for treatment of unknown pre-existing conditions (HB 1063)

Shortened eligibility period for cost of living adjustments (COLAs) for pre-1/1/06 total disability claims from 7 to 3 years (HB 1064)

Expanded COLA eligibility for pre-1/1/06 claims to include temporary total benefit recipients (HB 1064)

Outlined coverage parameters for emergency volunteer healthcare practitioners (HB 1073)

Increased the maximum disability benefit from 110% to 125% of the state's average weekly wage (SAWW) (HB 1101)



2009 Legislation – Continued

- Increased lifetime cap on death benefits from \$250,000 to \$300,000 (HB 1101)
- Increased burial expense from \$6,500 to \$10,000 and one-time payments for spouses and dependent children (HB 1101)
- Increased the dependency allowance from \$10 to \$15 per week per child (HB 1101)
- Increased pre-acceptance disability benefits from the minimum benefit rate to the standard rate (HB 1101)
- Increased travel and other personal reimbursements on aggravation claims to 100% (HB 1101)
- Provided up to six months benefits for the surviving spouse of a PTD that provided home health care during disability (HB 1455)
- Provided that OAH conduct WSI hearings and that OAH's decisions are final (HB 1464)
- Provided for a study of the post-retirement benefit structure to be conducted during the interim (HB 1525)
- Provided that WSI outline reasons for disregarding a treating doctor's opinion (HB 1561)
- Resolution to study workers' compensation laws regarding pre-existing injuries (HCR 3008)
- Resolution to study injured worker access to legal representation (HCR 3013)
- Established a clear and convincing evidence standard to rebut the presumption clause (SB 2055)
- Provided door to door reimbursement of mileage to attend medical appointments (SB 2056)
- Established a PPI schedule award for the partial loss of eye sight (SB 2057)
- Distinguished an independent medical exam (IME) from an independent medical record review (IMR) (SB 2058)
- Provided for attorney fees and costs for review of a claim after OIR completion (SB 2059)
- Provided for a rehab training expense for maintaining a second household or traveling more than 25 miles to school (SB 2419)
- Provided WSI make a reasonable effort to designate an IME doctor within a certain radius of worker's residence (SB 2431)
- Shortened the time period in which an injured worker can request a change of doctor (SB 2432)
- Provided that WSI notify injured workers of work search obligations (SB 2433)



2007 Legislation

- Provided funds for purchase or adaptation of motor vehicles for catastrophically injured (HB 1038)
- Provided increased post-retirement additional benefits for certain injured workers (HB 1038)
- Expanded the population that is eligible for death benefits (HB 1038)
- Shortened eligibility period for cost of living adjustments (COLAs) from seven years to three years (HB 1038)
- Expanded the eligibility pool for WSI's revolving loan fund (HB 1038)
- Provided inflation adjustment for long-term Temporary Partial Disability benefit recipients (HB 1140)
- Provided funds for the purchase or adaptation of motor vehicles for catastrophic and exceptional circumstance claims (HB 1411)
- Provided benefits for firefighters and law enforcement officers in the event of a false positive test (SB 2042)

2005 Legislation

- Established additional safety incentives (HB 1125)
- Established ongoing funding for safety education, grant, and incentive programs (HB 1125)
- Created retraining options for injured workers (HB 1171)
- Established an injured worker educational revolving loan fund (HB 1491)
- Increased the non-dependency death award (HB 1506)
- Increased post-retirement additional benefit payments (SB 2351)

2003 Legislation

- Increased lifetime cap on death benefits from \$197,000 to \$250,000 (HB 1060)
- Established a \$50,000 home remodeling and vehicle adaptation allowance for catastrophic injured workers (HB 1060)
- Increased the maximum amounts for scholarship awards (HB 1120)



2001 Legislation

Increased certain permanent partial impairment awards (HB 1161)

1999 Legislation

Increased permanent partial impairment awards for the severely impaired (HB 1422)

Increased the maximum disability benefit from 100% to 110% of the State's Average Weekly Wage (SB 2214)
Shortened the waiting period for eligibility for cost of living adjustments from 10 years to 7 years (SB 2214)

1997 Legislation

Increased weekly death benefits for surviving spouses (SB 2116)

Created the Guardian Scholarship program (SB 2116)

Established a post-retirement additional benefit (SB 2125)

WSI

North Dakota Workforce
Safety & Insurance

**Who
We
Serve**



State Population:

762,000

Covered Workforce:

414,371

Employer Accounts:

24,574

Number of Claims Filed Per Fiscal Year:

18,826

WSI Staff:

260 FTE

Net Earned Premiums:

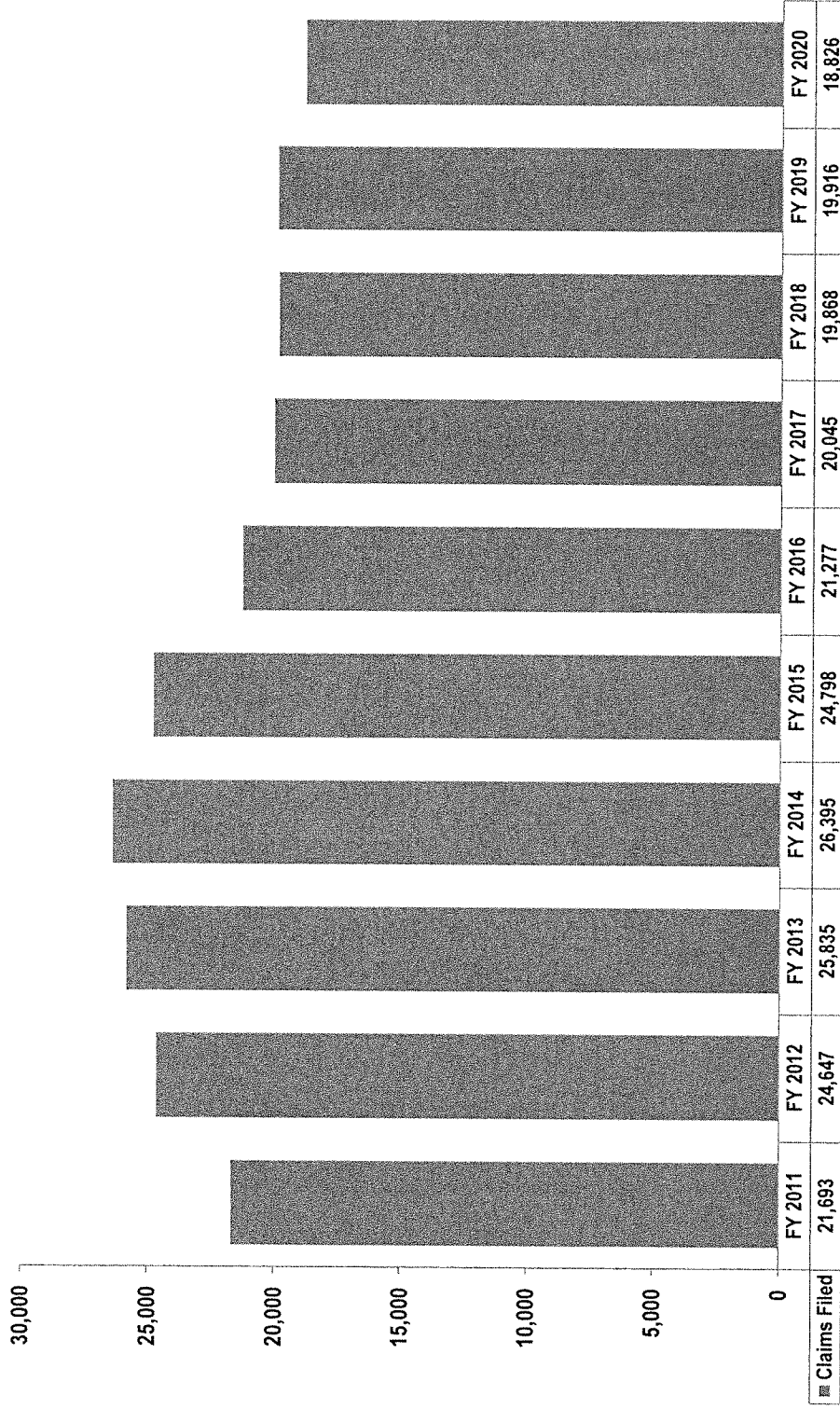
\$222M

WSI Assets:

\$2.2B

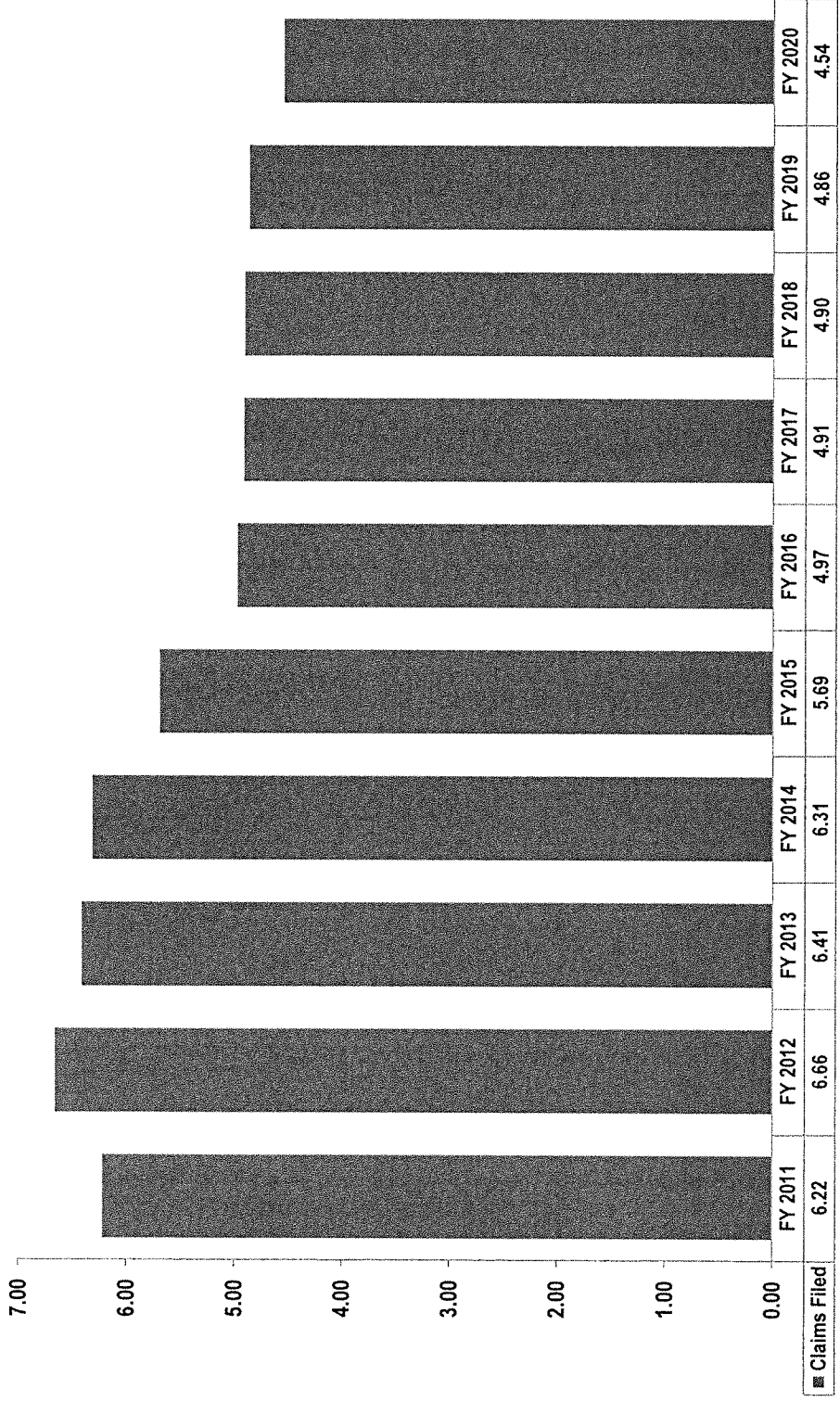


Claims Filed by Fiscal Year





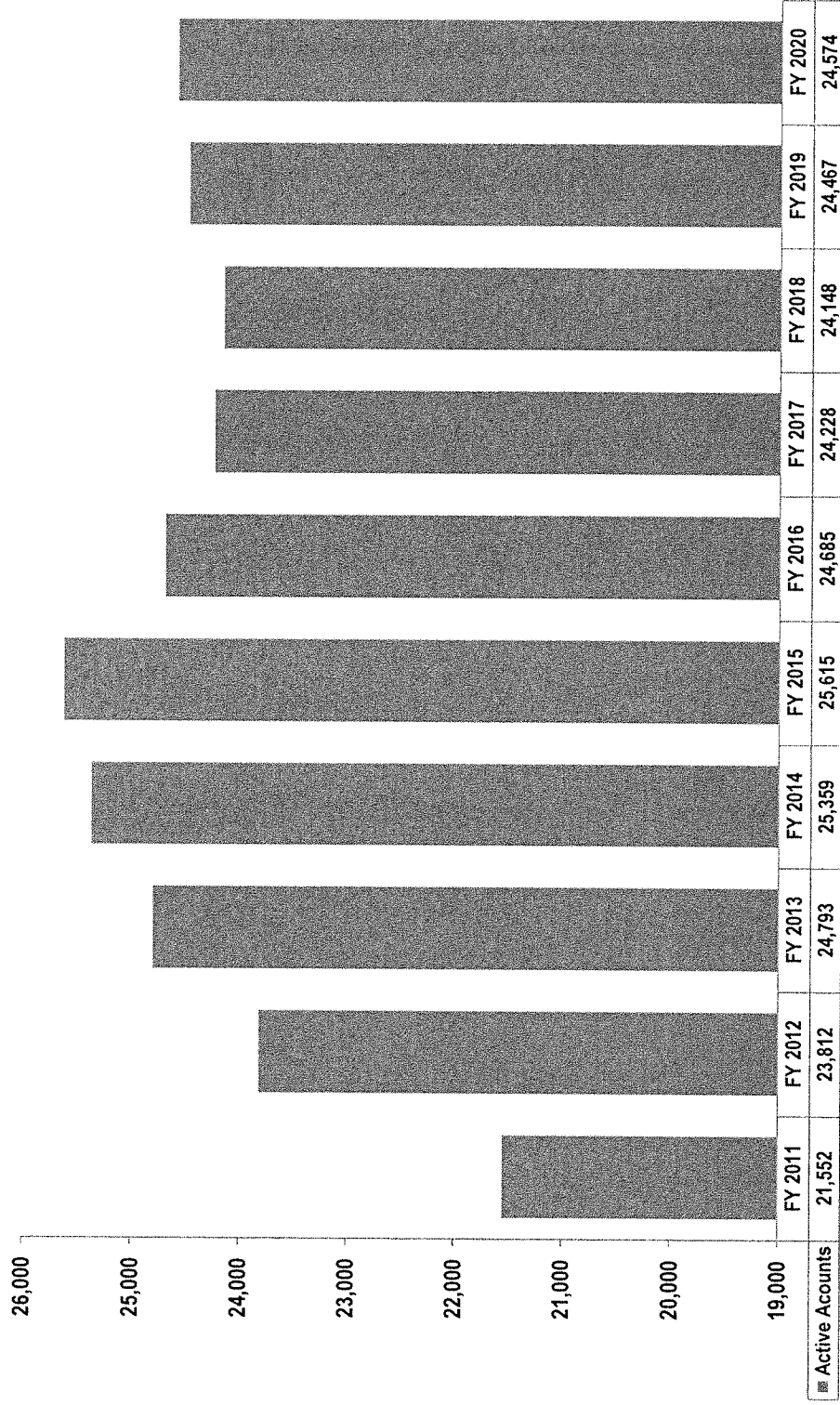
Claims Filed Per 100 Covered Workers



**Key
Trends:
Active
Accounts**



Active Employer Accounts



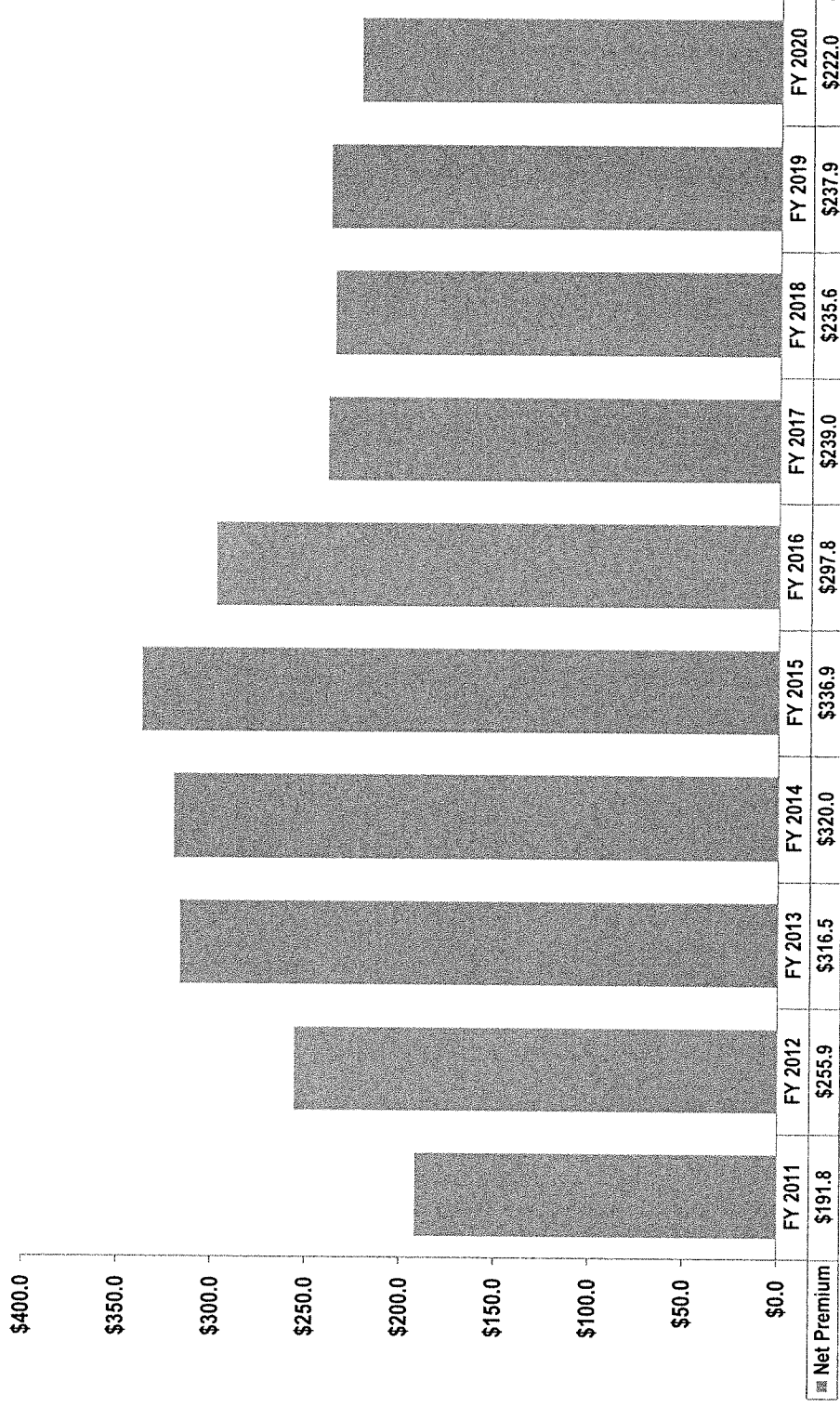


North Dakota Workforce
Safety & Insurance

Key Trends: Net Earned Premiums

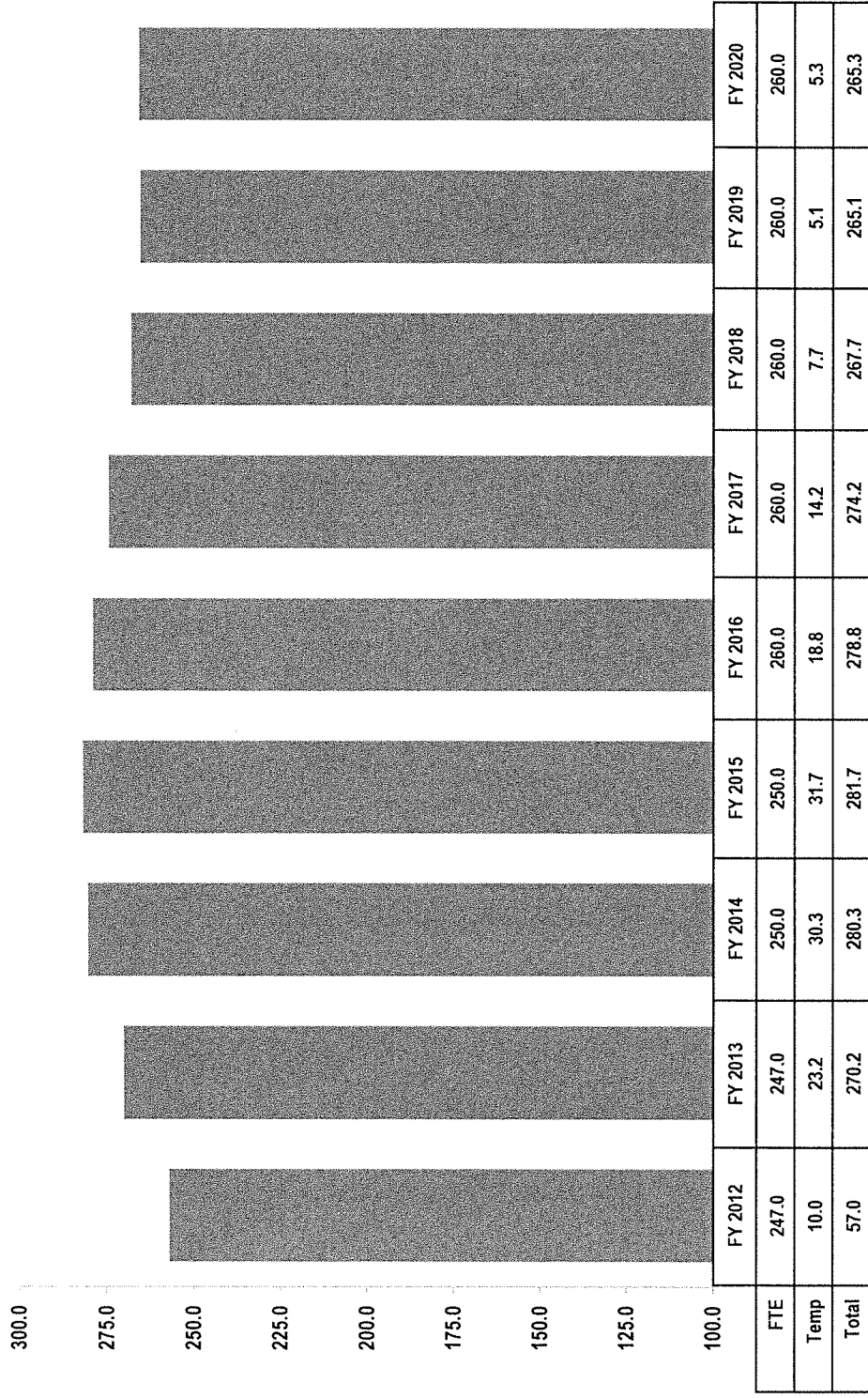


Net Earned Premiums (\$ Millions)





Employee Count by Fiscal Year





Historical WSI Biennial Appropriations

		2019 – 2021 WSI Appropriation	2021 – 2023 Governor's Recommendation
1	WSI Base Level Appropriation	\$60,887,842	\$62,396,852
One-Time Funding Description			
	Claims and Policy System (CAPS)	\$ 7,010,000	\$ 7,500,000
	myWSI	\$ 850,000	\$ 3,050,000
	Building Updates	-	\$ 514,000
2	Total One-Time Funding	\$ 7,860,000	\$ 11,064,000
	WSI Biennial Appropriation (1+2)	\$68,747,842	\$ 73,460,852
	FTE Authority	260	248
<ul style="list-style-type: none"> • Many of WSI's key initiatives are heavily dependent on the continued CAPS and myWSI development • The ongoing technology initiatives, primarily the two major projects, will be the key budget priorities • Unspent funds are returned to the WSI fund 			



One-Time Funding



Continued Development of Claims & Policy System (CAPS)

The goal of CAPS is to replace WSI's core business system software with web-based technology in order to improve customer service, enhance system maintainability and provide enhanced reporting and accessibility to information.
Current Biennium - \$7,010,000 Next Biennium - \$7,500,000

Continued Development of myWSI

The goal of myWSI is to create a secure, self-service portal for external customers and stakeholders to view, update, submit and retrieve information relating to interactions with WSI –
Current Biennium - \$850,000 Next Biennium - \$3,050,000

Facility Improvements

Facility improvements based on Sitelogiq study
Current Biennium - \$0 Next Biennium - \$514,000

Immediate and Top Long-Term Goals/Priorities



CAPS and myWSI Programs – Overall Timeline for Remaining Releases

DRAFT: Revised 9/30/2020

PHASE 3 – PICS Application Refacing		PHASE 4 – CMS Application Refacing (Date Estimates Dependent on Phase 3 Completion Date)	
Release 8 – Payroll Reporting IN PROGRESS Release Start: 5/2020 Release End: 6/2021	Release 9 – Policy Stabilization Est. Release Start: 5/2021 Est. Release End: 10/2021	Release 10 – Claim Registration Est. Release Start: 10/2021 Est. Release End: 7/2022	Release 11 – Claim Parties / Maint Pt 1 Est. Release Start: 6/2022 Est. Release End: 1/2023
myWSI			
Release R4 – Online Payroll Reporting IN PROGRESS Release Start: 5/2020 Release End: 6/2021	Release R5 - Site ReOrg / Employer DB / EIM Est. Release Start: 5/2021 Est. Release End: 12/2021	Release R6 - Employer Online App / Provider DB/ Forms Est. Release Start: 11/2021 Est. Release End: 7/2022	Release R7 - Provider Forms / Medical Records /Safety&Ergo Refactor Est. Release Start: 6/2022 Est. Release End: 1/2023
		Release R8 - Injured Employee DB / Claims File Access /Forms Est. Release Start: 12/2023 Est. Release End: 7/2023	
PHASE 4 – CMS Application Refacing Continued		PHASE 5	
Release 13 – Wages / Reserves Est. Release Start: 6/2023 Est. Release End: 1/2024	Release 14 – Payments 1 (Est. 5.5 months)	Release 15 – Payments 2 (Est. 7.5 mo)	Release 16 – Medical 1 (Est. 6.5 mo)
myWSI			
Release R9 - Vendor Access / OFROI Est. Release Start: 6/2023 Est. Release End: 01/2024	Release 17 – Medical 2 (Est. 5.5 mo)	Release 18 – Field/ Fraud/Claim Inq (Est. 5.5 mo)	Release 19 – Legal/Rehab (Est. 5.5 mo)
Program Closeout & Transition (Est. 4 mo)		Release 20 – Claim Tools/ Admin (Est. 5 mo)	Program Closeout & Transition (Est. 4 mo)

Facility Improvements



Facility Improvement Measure	WSI Budgeted Amount	SiteLogiq Proposed Cost	Difference
Heat Pump Replacement	\$ 100,000	\$ 1,390,000	\$ (1,290,000)
Lighting Retrofit - Base Project	\$ 382,000	\$ 382,000	\$ -
Elevator Door Operator and Glides Upgrades	\$ 32,000	\$ 33,500	\$ (1,500)
Energy Management and DDC - Base Scope	\$ -	\$ 173,000	\$ (173,000)
Domestic Water Efficiency Improvements	\$ -	\$ 26,000	\$ (26,000)
Building Envelope	\$ -	\$ 6,050	\$ (6,050)
Totals	\$ 514,000	\$ 2,010,550	\$ (1,496,550)

WSI

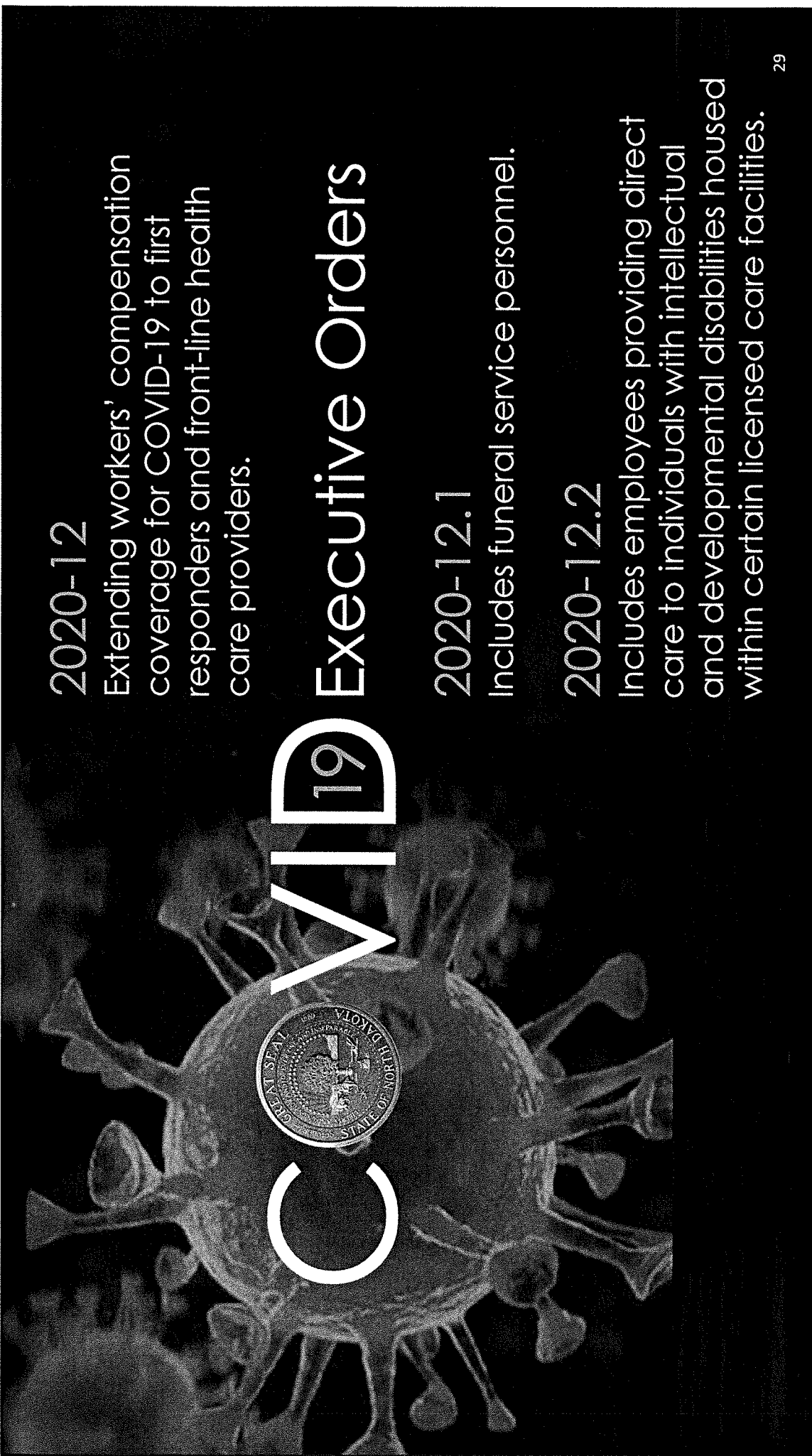
North Dakota Workforce
Safety & Insurance

Financial Audit Results



Fiscal Year
2020

The FY2020 Financial Audit conducted by Eide Bailly noted no material weaknesses, no significant compliance findings, and no prior year findings to update.



2020-12

Extending workers' compensation coverage for COVID-19 to first responders and front-line health care providers.

Executive Orders

2020-12.1

Includes funeral service personnel.

2020-12.2

Includes employees providing direct care to individuals with intellectual and developmental disabilities housed within certain licensed care facilities.

WSI

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COVID-19 Federal Funding

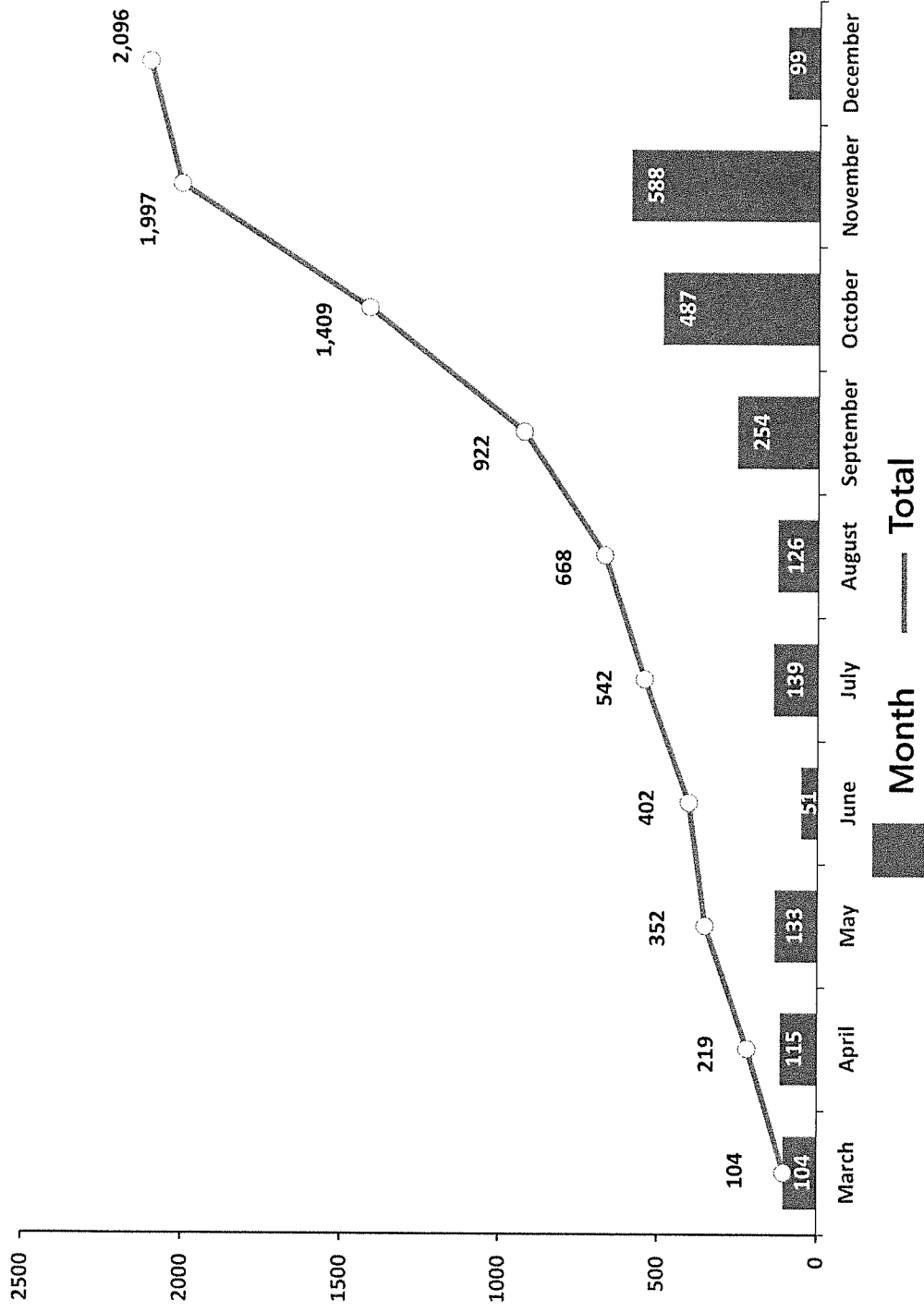
CARES Act Funding



WSI received \$1,018,052 from the CARES Act funding. \$3,184 was used for telecommuting expenses and the remaining \$1,014,868 was used to cover costs associated with claims filed under executive orders 2020-12, 12.1, and 12.2. All money has been spent.



All COVID-19 Claims Filed by Month





MEAP

Medical Expense
Assistance Program

WWSI

North Dakota Workforce
Safety & Insurance



NORTH
Dakota Be Legendary.™

Questions?