

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE
Full Committee Meeting

Jan. 4, 2024
10:00 a.m.-noon

Committee members present:

Scott Strickland, Sheet Metal Workers Local #16
Margaret Weddell, Labor Representative
Sarah Merrick, City of Salem Fire Department
Ryan Hearn, Roseburg Forest Products
Matt Calzia, Oregon Nurses Association (via zoom)
Sara Duckwall, Duckwall Fruit
Stacy Lewallen, Fortis Construction, Inc.
Andrew Stolfi, DCBS Director, *ex officio*

Excused:

Patrick Priest, Citycounty Insurance Services
John McKenzie, JE Dunn Construction

Staff:

Teri Watson, MLAC Committee Administrator
Baaba Ampah, MLAC Assistant
Megan Parsons, MLAC Assistant

Agenda Item	Discussion
Opening (00:00:00)	Scott Strickland called the meeting to order, and Teri Watson called the roll of members. A quorum was present.
(00:00:45)	Public comment There was no public comment.
(00:01:19)	Review and approve minutes from Nov. 2, 2023, and Dec. 7, 2023 The minutes from Nov. 2 and Dec.7 were presented. Sara Duckwall moved to approve the minutes, and Stacy Lewallen seconded the motion. Scott Strickland abstained from voting on the Nov. 2 meeting minutes. The motion passed.
(00:02:14)	Department updates Workers' Compensation Board case law updates – Lauren Eldridge Lauren Eldridge, WCB Interim Managing Attorney, provided an update relating to an administrative rule concept regarding attorney fees, indicating that the board has referred it to an advisory committee. She explained that the board administrative rule currently limits the attorney fee award that a worker's

attorney can receive from a settlement proceed. During the board's biennial review of its administrative rules regarding attorney fees, the Oregon Trial Lawyer Association submitted an administrative rule concept proposing that the limits of attorney's fees be revised for greater fees on negotiating claim disposition agreements and disputed claim settlements. Lauren Eldridge continued that after considering public comments, the board decided to refer to an advisory committee for further review and to prepare a report to the board. Once the board receives that advisory committee's report, it plans to schedule a public meeting to discuss the findings, take additional public comments, and decide appropriate actions.

(00:04:07) It was clarified that the timeframe for the board to receive an update from the advisory committee is expected in April or May.

(00:04:37) Scott Strickland shared the MLAC brief affirmation.

Workers' Compensation update (WCD) – Teri Watson

(00:05:13) Director Andrew Stolfi announced that WCD deputy administrator, Matt West, has been appointed as WCD's interim administrator. Additionally, he shared that the division will be seeking input from staff members, MLAC members, and other stakeholders to gather feedback and insights about what they would like to see in the next administrator and other transitions within the division.

(00:07:18) Sara Duckwall suggested that Director Stolfi reach out to the MLAC co-chairs. She then asked about the timeline for the feedback process. Andrew Stolfi answered that depending on the number of people sharing feedback, the goal is to conclude the process by March or April. Scott Strickland congratulated Matt West on his appointment.

(00:08:30) Teri Watson provided rulemaking updates, mentioning that there is a rule advisory meeting for division 60, claims administration, on Jan. 25. There is another rule-advisory committee for division 120, vocational assistance, on Jan. 30.

(00:09:10) Teri Watson shared that Angela Van Grunsven is not present, but has completed the [MLAC legislative webpage](#) with the video. She provided a tour of the webpage. Teri Watson asked members to review the webpage and provide any feedback they may have.

(00:10:46) Sara Duckwall expressed her approval of the MLAC legislative webpage and asked about David Barenberg's previous recommended edits to the video. Teri Watson explained that the communication team wanted to complete the webpage first before making any edits to the video. Making edits to the video first would have delayed the creation of the webpage.

(00:12:28) Ryan Hearn also expressed his approval of the MLAC webpage.

Workplan update

- (00:13:01) Teri Watson presented the updated Notice of Compliance poster, now featuring the QR code. She noted that the division wants to test it with different audiences before finalizing and printing it permanently.
- (00:14:03) Sara Duckwall shared her appreciation to the English version but expressed concerns about the Spanish version. She explained that the Spanish version does not lead workers to the exact same resources, and navigating the website in Spanish is difficult, except for the Spanish publications. Teri Watson acknowledged her concerns and stated that she will work with the division to address these issues.
- (00:16:04) Ryan Hearn mentioned that he tested the QR code with his co-workers, and it went well.
- (00:17:32) Sara Duckwall pointed out that under the heading “Legislative Session Preparation” on the [MLAC workplan](#), items number 2 and 3 should be marked as completed. Members agreed.
- (00:18:19) Under the heading “Workers’ access to and understandability...”, item number 2 is currently active, as it goes hand in hand with the QR code landing page and ensuring that there is accessibility in different languages.
- (00:19:01) Teri Watson noted that regarding the workplan topic “Easier access through smartphones,” the WCD website is user-friendly on smartphones. Sara Duckwall asked if the 801 form is fillable. Members noted that some users may be able to fill the 801-form depending if they have Adobe, and some insurers have fillable forms. Teri Watson clarified that the 801 form goes to the insurer.
- (00:20:42) Sara Duckwall noted that using resources for the 801 form may not be worthwhile since it goes to the insurer. She stated that while the website is user-friendly on mobile app, accessibility in different languages is limited. Sara Duckwall brought up Scott Strickland’s previous idea about a flowchart website simplifying the claims process for an injured worker. Scott Strickland inserted that infographs make the claim process more digestible and is easier to translate to different languages.
- (00:22:04) Barb Anderson, Ombuds Office for Oregon Workers, mentioned that the ombuds office is creating short videos for workers, specific to different parts of the claims process in English and Spanish. Once completed, the videos will be available on the Ombuds Office for Oregon Workers website. Scott Strickland showed his approval of the video ideas, noting that it is empowering to workers.
- (00:25:02) Members discussed the possibility of the flowchart being a landing page of the QR code for the Notice of Compliance poster.
-

-
- (00:26:29) Referring back to the 801 form on WCD’s website, Director Stolfi mentioned that some insurance companies provide a fillable 801. He mentioned that the division could inquire how often it occurs and whether there are rules behind encouraging or requiring insurers to provide a fillable 801 form. Scott Strickland added that he leans towards encouraging rather than requiring it, as he doesn’t want forms to discourage the use of certain available software.
- (00:29:10) Sara Duckwall mentioned that collaborating with the Ombuds Office will help in completing number 3 under heading “Workers’ access to and understandability…” on the workplan. Members agreed.
- (00:29:48) Members agreed that that when there is more time after legislative session and during in-person meetings, it would be a great time to address the workplan topics under heading “Educational sessions on topics as needed.”
- (00:31:59) Teri Watson announced that there will be a report soon on both “Annual Workers’ Benefit Fund” and “Biennial permanent partial disability” on the workplan. Also, once the “Report on firefighter cancer presumption from NIOSH” comes out, MLAC will receive an update.
- (00:32:55) Scott Strickland recommended prioritizing diversity, equity, and inclusion (DEI) training first because, once MLAC members have had that training, they would be more open to listening to the perspectives of injured workers and insurers.
- (00:33:54) In reference to Workplan topic “Focus Groups/Listening Tour,” the group discussed finding different DCBS locations to better engage people in MLAC, as they might not be aware of the committee.
- (00:38:27) Barb Anderson shared that when the Ombuds Office did a mobile tour, they experienced more engagement during after hours. Especially in working communities, as workers could not take time off or did not want to take time off. Scott Strickland agreed, mentioning that by identifying the available locations, the committee can then adjust meetings to meet the needs of each community in that area.
- (00:39:55) Director Stolfi recommended that the listening session should not only include injured workers, but other workers who may also need help. Stacy Lewallen similarly suggested including employer aspects to help them better understand the workers’ compensation system.
- (00:42:27) “Focus Groups/Listening Tour” on the workplan is noted as active.
- (00:43:29) Teri Watson explained that the bills for the 2024 legislative session have not been announced yet, and no stakeholders have reached out, so MLAC would have to wait.
-

(00:43:53) Margaret Weddell asked about the *Giltner v. SAIF* case and WCD’s intentions moving forward, wondering if they were considering a legislative concept or bill to make a fix to the Court of Appeals decision. Matt West, WCD interim administrator, answered that the division is currently assessing this issue to determine if they want to move forward in the 2025 long session.

(00:45:32) Director Stolfi added that the deadline for legislative concepts is soon and the governor needed to sign off on any LC. The division will know by April what the governor approves.

Upcoming meetings – Jan. 18, 2024, (hybrid) and Feb. 1 (hybrid)

(00:47:21) The next meetings are dependent on the volume of legislative concepts and the amount of work on the workplan.

(00:48:20) Director Stolfi announced that David Waki from the Small Business Ombuds office has retired, leaving a job open in the Ombuds Office. There has been robust number of applicants for the job.

Meeting Scott Strickland adjourned the meeting at 10:52 a.m.
Adjourned

*These minutes include time stamps from the meeting video found here:
<https://www.youtube.com/watch?v=viR1h37LodI>

**Referenced documents can be found on the MLAC Meeting Information page here:
<https://www.oregon.gov/DCBS/mlac/Pages/2024-meetings.aspx>