Workers' Compensation Board
Tuesday, March 15, 2022
10:00 a.m.

MEETING MINUTES

By Phone/In-Person: Connie Wold, Board Chair
Sally Curey, Member
Roger Ousey, Member
Moisès Ceja, Member
Robert Pardington, Managing Attorney
Joy Dougherty, Presiding ALJ
Katy Gunville, Board Executive Assistant
Terry Bello, Administrative Services Manager
Greig Lowell, Project Manager
Katelyn Crowe, Board Review Specialist

Attendees: Elaine Schooler, SAIF Corporation
Cathy Ostrand-Ponsioen, Workers' Compensation Division
Jennifer Flood, Ombuds Office for Oregon Workers

Call to Order
Chair Wold called the meeting to order. WCB offices still remain closed to the general public. The public and WCB staff are participating in this meeting via telephone; some WCB staff participated in the Salem office.

Roll Call
Greig Lowell took roll, reflected in the attendee list above.

Approval of Agenda and Order of Business
Member Curey moved for approval of the agenda and order of business. Member Ceja seconded. Motion passed.

Approval of Past Minutes
Member Woodford moved for approval of minutes from December 15, 2021. Members Curey and Ceja seconded. Motion passed.

Division Reports/Updates
Administrative Services Division: Terry Bello, manager of the Administrative Services Division, provided an update. Ms. Bello reached out to Oregon State Law Library to obtain Steadman's Medical Dictionary access at no extra cost for WCB. This resource was formerly available in a software format that is no longer supported. OregonBuys is DAS's new purchasing tracking program. DCBS is an early adopter of this new program; more details are to come as this program gets closer to being implemented. Reintegration and reopening is set for May 1, 2022. ASD is preparing employees and facilities for being open to the public. More details are to come on reopening. In regards to DCBS's reopening at the L&I building, there are some changes

to be made to the parking structure. Most DCBS agencies are bringing their staff back to the office in stages. There is an upcoming WCB safety meeting; staff are welcome to use this forum to provide input on reopening. With regard to policy review updates, there is a new communications policy that allows access to widespread distribution of communications material. There is also an update to DCBS travel policy, which WCB has opted out of due to WCB's unique travel needs. Also, there was an update to the internal complaint policy.

Hearings Division: Joy Dougherty, Presiding Administrative Law Judge, provided the update for the Hearings Division. Hearings Division continues to be very busy. Motions for in-person hearings have started to slightly increase. The division is cautiously optimistic that the May 1 reopening date will hold. They will start making a shift to scheduling in-person hearings on May 1. If you have questions you are welcome to reach out to PALJ Dougherty directly.

Board Review: Robert Pardington, Managing Attorney for the Board Review Division, provided the update. Board review is in the midst of recruiting an assistant to the Board Chair. Board Review staff attorneys will be returning to the office for at least 3 days per week starting May 1, 2022.

New Business

Chair Wold reminded us that this meeting is a regularly scheduled quarterly meeting per OAR 438-021-0010(1). She also shared that there will be several "housekeeping" changes to WCB's 438 rules, which are outlined in a February 1, 2022, memorandum. Managing Attorney, Robert Pardington, provided a summary of the proposed changes and how the Board should proceed with implementing these changes. The changes involve three main matters: (1) updating the gender pronouns in the 438 rules to include non-binary pronouns, (2) updating references to WCB's email addresses to the current email addresses, and (3) updating references to the "Ombudsman's Office for Injured Workers" to the "Ombuds Office for Oregon Workers."

If adopted by the Members, the updating of gender pronouns in the 438 rules would be effective immediately, due to the updates being previously published in WCB's Case News and Notes and other WCB communications. Member Curey moved to adopt, Member Ceja seconded, and the motion passed.

The final two proposed changes, the updating of WCB's email addresses and "Ombuds Office for Oregon Workers" in the 438 rules, are recommended to proceed with the formal rulemaking procedure. That procedure includes a proposal of rulemaking, a proposed statement of need, and a rulemaking hearing. A WCB senior staff attorney will hold the rulemaking hearing in May 2022. Stakeholders are welcome to attend or submit their comments in writing in regards to these changes. Member Curey moved to proceed as recommended by Robert Pardington, Member Ceja seconded, and the motion passed.

Public Comment

Chair Wold asked if there was any public comment. No comments were made.

Announcements

No announcements were made.

Adjournment
Chair Wold asked for a motion to adjourn. Member Curey moved to adjourn. Member Woodford seconded. Motion carried. Meeting was adjourned.